UNITED STATES DEPARTMENT OF LABOR
W. N. DOAK, Secretary
CHILDREN'S BUREAU
GRACE ABBOTT, Chief

THE ILLEGALLY EMPLOYED MINOR AND THE WORKMEN'S COMPENSATION LAW

By
ELLEN NATHALIE MATTHEWS

Bureau Publication No. 214

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

For sale by the Superintendent of Documents, Washington, D. C. - - - - - - - - - - - - - - Price 15 cents

CONTENTS

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU,
Washington, September 15, 1932.

SIR: There is transmitted herewith a report on the Illegally Employed Minor and the Workmen's Compensation Law. The study upon which the report was based was made by Ellen Nathalie Matthews, formerly director of the industrial division of the Children's Bureau. The report was written by Miss Matthews, assisted in the analysis of laws and court decisions by Lucy Manning and Ella Arvilla Merritt. Mary Skinner interviewed the injured minors in connection with the special study made in Indiana and assisted in the analysis of material for that State.

The Children's Bureau acknowledges with appreciation the information furnished by officials of the departments administering the workmen's compensation laws of the various States, especially by the officials of Wisconsin and Indiana, whose interest and cooperation made possible the special studies undertaken in those States.

Respectfully submitted.

GRACE ABBOTT, *Chief.*

Hon. W. N. DOAK,
Secretary of Labor.

THE ILLEGALLY EMPLOYED MINOR AND THE WORKMEN'S COMPENSATION LAW

Part 1.—STATUS OF ILLEGALLY EMPLOYED MINORS UNDER THE WORKMEN'S COMPENSATION LAWS OF THE UNITED STATES

INTRODUCTION

It is estimated that at least one in every ten persons reported as injured in the course of employment in the United States is under 21 years of age.[1] Many of these are mere children. The young worker, to an even greater extent than the worker of mature years, it is believed, is subject to accidents in industry and is susceptible to injury from such sources as industrial poisons, fumes, and acids. An injury to the young worker has also more serious results. It may oblige him to give up work in which he has shown special aptitude for an occupation in which he is not interested or in which he has few opportunities for advancement. It may occur, as it frequently does, before he has had an opportunity to obtain any vocational skill, and permanent disabilities or long periods of enforced idleness may prove a serious barrier to his getting into work requiring skill or training or even physical strength, or may so affect his morale that he becomes unemployable.[2] Preventive measures, such as the adoption of more effective means to insure the safety of all workers and more stringent regulation of the work of young persons in specially hazardous employments, are necessary and fundamental. Rehabilitation funds to provide at public expense vocational training for injured workers would help. Measures such as these, however, either preventive or remedial, do not wholly meet the situation. Workmen's compensation laws offer a means of obtaining for injured minors some immediate relief for their economic needs, which are often most pressing.

Workmen's compensation laws, under which employees or, in case of death, their dependents are compensated for industrial injuries by employers, have been adopted in the last two decades in the District of Columbia and in all the States except Arkansas, Florida, Mississippi, and South Carolina. Under these laws the injured

[1] See Nineteenth Annual Report of the Chief of the Children's Bureau, Fiscal Year Ended June 30, 1931, p. 13. Washington, 1931.

[2] See Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, pp. 63–85 (U. S. Children's Bureau Publication No. 152, Washington, 1926); Casualties of Child Labor—Ten Children Illegally Employed in Pennsylvania and What Happened to Them (Consumers' League of Eastern Pennsylvania, 1924); Labor and Industry, published by the Pennsylvania Department of Labor and Industry: July, 1927, pp. 8–9; July, 1928, pp. 5–9; December, 1929, pp. 5–11; December, 1930, pp. 6–11; The Social Aspects of the Administration of the Double Compensation Law in New York State, pp. 46–67, 88–104 (New York State Department of Labor Special Bulletin No. 168, Albany, 1931).

employee receives automatic, certain, and more or less adequate money compensation and medical care at the time when it is most needed, in lieu of his right to bring suit against his employer for damages under the common law or under statutes establishing employers' liability. A suit for damages for injuries received in the course of employment, like any suit at law, involves delay and expense, and it is likewise uncertain in its results. Negligence on the part of the employer must be proved; and even if proved negligent, the employer can escape liability under the common law by setting up certain defenses. The compensation laws, on the other hand, provide for stated relief based on the facts of employment and of injury in the employment without proof of negligence.

All workmen's compensation acts now operative in the United States [3] contain some provisions that especially affect minor employees. These relate to one or more of the following points: (1) The legal competency of minor employees (that is, the power of minors to bind themselves absolutely by their own acts); (2) the financial basis upon which compensation to injured minors is computed; and (3) the extent to which minors come under the acts and are therefore entitled to compensation. As to legal competency, at common law a minor, owing to his immaturity and consequent lack of judgment and discretion, does not have the capacity to bind himself absolutely by contract but must act through his guardian. In order to facilitate proceedings under the workmen's compensation acts, most States have considered it necessary to endow minor employees with the legal capacity of adults, in some States for all purposes under the compensation law, in others only for certain enumerated acts. In regard to the financial basis, compensation computed on the usual basis (a stated percentage of the average weekly, monthly, or yearly wages or earnings of the employee at the time of injury) obviously amounts to very little in the case of young workers, whose wages are likely to be small, and a number of States have therefore included in their compensation laws special provisions that operate to increase the amounts of compensation paid to certain groups of minors. This is usually accomplished by computing the minor's compensation on the basis of his probable future earnings at his majority if he had not been disabled, or on the basis of adult wages.[4]

But the most important of the provisions of workmen's compensation laws especially applying to minor workers, are those that relate to the extent to which minors are covered by these acts and, therefore, are entitled to compensation. The laws apply to practically all minor employees who are legally employed. In the treatment of minors employed in violation of the child labor laws, however, as contrasted with those legally employed, the laws differ in different

[3] For a general discussion of the provisions of workmen's compensation laws, see the following publications: Comparison of Workmen's Compensation Laws of the United States as of Jan. 1, 1925 (U. S. Bureau of Labor Statistics Bull. No. 379, Washington, 1925); Workmen's Compensation Legislation of the United States and Canada as of July 1, 1926 (U. S. Bureau of Labor Statistics Bull. No. 423, Washington, 1926); Workmen's Compensation Legislation of the United States and Canada as of Jan. 1, 1929 (U. S. Bureau of Labor Statistics Bull. No. 496, Washington, 1929).

[4] See Child Labor—Facts and Figures, pp. 77–81 (U. S. Children's Bureau Publication No. 197, Washington, 1930), and Child Labor; report of the subcommittee on child labor of the White House Conference on Child Health and Protection, p. 353 (Century Co., New York, 1932).

States. Some States exclude illegally employed minors from the compensation acts, others include them, and still others include them and require additional compensation for them. These differences have developed in the process of substituting, through compensation laws, a statutory remedy for the injured employee's right to sue at common law for damages, and they are found both in the statutes and in the interpretation placed upon them by the courts.

The number of minors receiving injuries while employed contrary to law and the proportion this group forms of the total number of injured minors is not accurately known. Statistics relating to the minor injured while illegally employed have been compiled or special studies have been made in only a few States. (For such statistics, see Appendix, pp. 219–223.) Limited as the information is, however, it emphasizes the unusual seriousness of the problem of the illegally employed injured minor. In all the States for which comparable figures exist the proportion of injuries resulting in death or permanent disability is greater, and the average period of disability is longer, for those injured while employed contrary to law than for legally employed minors, a result, of course, of the fact that so many of the injuries occur in occupations prohibited because unusually hazardous.

The present study of the status of injured minors under workmen's compensation laws is confined to those illegally employed. The study consists of an analysis of the provisions of the laws that relate to such minors and the interpretation of these laws by the State agencies administering the workmen's compensation acts and by the courts, and of such evidence as exists showing the comparative benefits that are available under different types of laws to minors injured while illegally employed. In addition, because of the great importance of administrative procedure in insuring to the injured the benefits of such provisions, an account of the procedure followed in the administration of laws providing for extra compensation for illegally employed minors is also given.

For this study workmen's compensation legislation through the year 1931 was analyzed and court decisions relating to minors under the compensation laws available in reports published through May 31, 1931, were read. Information regarding the administration of the provisions affecting minors was obtained through published reports of State administrative agencies, through correspondence with these agencies, and through personal interviews with administrative officials in most of the States that had passed laws providing for additional compensation to minors injured while engaged in illegal employment. Some studies relating to the indemnification for injury of illegally employed minors, which indicate the relative effectiveness of different types of laws, had already been made by State labor departments and private organizations, chiefly in Illinois, New York, and Pennsylvania. The Children's Bureau has attempted in the present inquiry to round out this information by additional studies in two States, one a State in which minors injured while illegally employed are excluded from the compensation act, the other one in which they are covered by the act and are also entitled to additional compensation.

Wisconsin, the first State to enact legislation providing that minors injured while illegally employed be entitled to more than the regular compensation, was one of the States selected by the bureau for this study. The operation of this law was studied through the records of the State industrial commission relating to the cases occurring September 1, 1917, when it became operative, through December 31, 1928.

The other special inquiry undertaken as a part of this study was made in Indiana, as in that State special investigations are made of all reports of industrial injuries occurring to minors reported as under 20 years of age, and records of such minors found to have been illegally employed at the time of injury are available over a considerable period of years in the files of the State industrial board, which administers the workmen's compensation act. A study of the cases of these minors was made to ascertain what attempts, if any, had been made to obtain indemnity through the courts and with what success, and also what had happened in cases in which court aid had not been sought. Information was obtained through study of the records of accidents in the files of the industrial commission and of court records; through personal interviews [5] with a number of the injured minors themselves, including all who could be located whose accidents were serious enough to cause permanent disability or temporary disability of at least 28 days; and through personal interviews with the parents of the minors who had suffered fatal injuries.

The findings of these two special inquiries are presented in detail in Part 2 of this report and are only briefly summarized, together with similar information relating to other States, in this section (Pt. 1).

ELIGIBILITY OF ILLEGALLY EMPLOYED MINORS FOR COMPENSATION

STATUS UNDER WORKMEN'S COMPENSATION LAWS [6]

All the workmen's compensation laws apply to minor employees who are legall yemployed or legally permitted to work,[7] but they vary in the treatment of the injured minor employed in violation of the child labor law. Thirteen States (Delaware, Indiana, Iowa, Louisiana, Minnesota, Nebraska, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, and West Virginia) exclude illegally employed minors from the benefits of the law.[8] Seventeen

---

[5] Interviews with the injured minors or their relatives did not form a part of the inquiry in Wisconsin as the records of the cases were unusually complete, including a signed receipt for payment of compensation. Such receipts were not, of course, required in Indiana, at least during the greater part of the period covered by the study (see p. 148) made in that State when minors illegally employed were excluded from the operation of the workmen's compensation act, and the industrial board had no responsibility for payments made to them.

[6] References to State workmen's compensation laws are given on pp. 224–225.

[7] The laws of Kentucky and New Mexico are limited in their application in such a way that not all legally employed minors are included. The New Mexico act by implication excludes minors "under the age of 14 years," and the Kentucky law applies to a minor under 16 only if he has obtained his employment upon a certificate of his parent or custodian that he is 16 years old. A minor under 16 employed without such a certificate, even though legally employed, therefore, would not be subject to the act. (Elkhorn Seam Collieries *v.* Craft, 207 Ky. 849, 270 S. W. 460 (1925); see also Wynn Coal Co. *v.* Lindsey, 230 Ky. 53, 18 S. W. (2d) 864 (1929), involving a minor under 16 illegally employed and without such a certificate.)

[8] In some of these States minors employed in violation of any provision of the child labor law, and in others only those employed in violation of certain specified provisions, are excluded. On the basis of the reported decisions of the courts in the 13 States, such minors' employment must be in violation of a State child labor law. Violation of regula-

States and the District of Columbia cover illegally employed minors and give them the same compensation as those who are legally employed. These are Arizona, California, Colorado, Connecticut, District of Columbia, Georgia, Idaho, Kansas, Kentucky, Maine, Massachusetts, Montana, New Hampshire, New Mexico, North Carolina, Ohio, Texas, and Wyoming. Three States (Nevada, Oregon, and Washington) cover them and in addition subject the employer to a fine, 2 States (North Dakota and Virginia) cover them and also specifically permit the employer to be sued, and 9 States (Alabama, Illinois, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and Wisconsin) cover them and provide that in such cases larger compensation shall be paid than in the case of injuries to the legally employed. In New Jersey an illegally employed minor or his representative may also sue his employer for damages for injuries due to the employer's negligence.

One of the States providing the same compensation for the illegally employed minor as for those legally employed, Kentucky, and one of those providing extra compensation, Illinois, give to an illegally employed minor the alternative right to accept compensation under the act or to sue at law. In Kentucky the workmen's compensation act provides [9] that the statutory guardian or personal representative of a minor who is injured or killed while "employed in willful and known violation by the employer of any law of this State regulating the employment of minors" may either claim compensation under the act or sue the employer at law for damages as if the compensation act had not been passed.[10] If compensation is claimed under the act it operates as a waiver of the right to sue,[11] and the institution of a suit for damages is likewise a waiver of all rights to compensation. This choice of remedies is limited under a decision of the Court of Appeals of Kentucky to a case in which the employment is prohibited by law.[12] The act contains a proviso, however, that "in case a minor under 16 years of age who procures his employment upon the written certification by his

---

tions enacted by a subdivision of the State, as, for example, city ordinances, are not sufficient. As a general rule the courts in these States have not made any distinction between the status of a minor whose employment is entirely prohibited by statute (that is, a minor under the minimum age for any employment) and one whose employment would be permitted if certain conditions (as by obtaining an employment certificate) were complied with, and have held that the workmen's compensation acts are no more applicable to minors employed in violation of this condition than to those employed in violation of the minimum-age or dangerous-occupations provisions. This is the rule in all reported cases in the 13 States now excluding any illegally employed minors so far as the question has come before the courts. (See footnote 45, p. 17, in regard to the Wisconsin law before it was amended to provide for additional compensation, in which the courts did distinguish between these two types of illegal employment.) No decision has been found in which a violation of the hours-of-labor provision alone was held sufficient to deprive a minor of the benefits of the compensation act, although practice in at least one State, Indiana, excludes a minor from the act if an hours-of-labor violation is evident from the accident report. (See p. 147.) It has been held also that the violation of a State law requiring the guarding of machinery is not sufficient to exclude a minor from the compensation act. No case, however, has been found in which the violation of a safety order issued by a State labor department has been held to exclude a minor from the compensation act.

[9] Ky., Laws of 1916, ch. 33, sec. 30, as amended by Laws of 1924, ch. 70.

[10] The right to determine whether the accident occurred under such conditions as to authorize an election to sue at law or to accept the benefits under the compensation act rests with the guardian of the infant if he is injured, or his representative should he be killed, and not upon the State workmen's compensation board. Frye's Guardian *v.* Gamble Bros. (Inc.) (188 Ky. 283, 221 S. W. 870 (1920)); Blanton *v.* Kellioka Coal Co. (192 Ky. 220, 232 S. W. 614 (1921)).

[11] In Elkhorn Coal Corporation *v.* Diets (9 S. W. (2d) 1100 (1928)), the court held that after accepting compensation a minor who has legal capacity for the purpose of the compensation act can not sue at law for damages even though he was illegally employed.

[12] Frye's Guardian *v.* Gamble Bros. (Inc.) (188 Ky. 283 (221 S. W. 870 (1920)).

parent, guardian, or one having legal authority over him" stating that he is 16 or over, "his parents, statutory guardian, or personal representative of a minor who is killed can not elect to claim either compensation * * * or to sue to recover damages as if this act had not been passed, but he must rely on his claim, if any he has, for compensation * * * ." The terms of this proviso are ambiguous, and it is not clear whether the choice of remedies is denied in case of an injury to such a minor or only in case of his death. The Court of Appeals of Kentucky called attention to this ambiguity in a decision rendered in 1928, but found it unnecessary to decide the point in the case before it.[13] A provision somewhat similar to that of Kentucky has recently been made part of the Illinois compensation act. Under an amendment passed in 1931 an illegally employed minor, or his legal representative, is permitted to reject the compensation act within six months after his injury or death and sue the minor's employer to obtain damages for such injury or death. The law provides that no payment of compensation shall be made to such a minor or his representative without the approval of the commission administering the act or of one of its members and that the payment of compensation after such approval has been given shall act as a bar to a subsequent rejection of the act and suit for damages.[14]

Underlying the exclusion of illegally employed minors from the workmen's compensation acts is doubtless a recognition of the fact that in suits at law, in theory at least, the employee is entitled to recover for all the damage that he has sustained, whereas compensation laws, both in theory and in fact, undertake to indemnify the employee only partially. A minor injured while employed in violation of a law designed for his protection, it is therefore argued, should not be restricted to such partial indemnity but should be permitted to sue at law for the entire damage that he has sustained; and, moreover, an employer who has violated the public policy of a State in employing a minor contrary to law should not in cases in which injury results be given the benefit of a law that limits his liability for the minor's injuries. Furthermore, as the employment of a minor in violation of the child labor law constitutes negligence on the part of the employer and in view of the refusal of the courts, as a general rule, to permit an employer to avoid the consequences of this illegal act by setting up the usual common-law defenses,[15] it has been maintained by some that an illegally employed minor whose injury is due to the employer's violation of the law, is practically assured of obtaining damages in a suit at law and also of receiving more by this means than he would under the compensation law.

Actually, however, few illegally employed minors bring suits, and their employers, instead of being subjected to a greater liability than employers who have complied with the State child labor laws, have in many instances incurred no liability at all. (See p. 23.) Some States, therefore, have amended their laws to include specifically illegally employed minors, and a few, in depriving such minors of

[13] Elkhorn Coal Corporation *v.* Dicts (9 S. W. (2d) 1100 (1928)).
[14] Ill., Laws of 1931, p. 576.
[15] These defenses are: That the injury was due to the fault of a fellow servant or to the contributory negligence of the employee himself, or that the employee in accepting employment in the occupation in which he was injured had assumed the risks of this employment.

their common-law rights and the possibility of higher damages by including them under the compensation acts, have required additional compensation for them, thus indemnifying them in a sum more nearly comparable to that which they might have obtained in a suit at law. In some States a recognition of the value of the imposition of additional compensation to be paid by employers as a measure to obtain greater compliance with the provisions of the child labor law has influenced the passage of such legislation even in those States in which the law previously covered minors illegally employed.

LEGAL BASIS FOR ELIGIBILITY

The exclusion or the inclusion of illegally employed minors may be due either to the express language of the compensation acts or to judicial or administrative interpretation of general language. In 22 States illegally employed minors are expressly included by the wording of the statute, and in 2 they are expressly excluded. In the remaining 21 jurisdictions their exclusion or inclusion is based on implication from the express wording of the statute or on interpretation of general language, either by courts or by administrative agencies.

Exclusion or inclusion by express language of statute.

The workmen's compensation laws of Louisiana and West Virginia exclude certain illegally employed minors from the benefits of the act by express language. The act in West Virginia specifically provides that it shall not apply to "persons prohibited by law from being employed." The Supreme Court of West Virginia has interpreted this phrase to refer to "those cases where there is a positive statute prohibiting the employment of certain classes in certain employments," expressing the view that the legislature by this proviso recognized the manifest justice of requiring that an employer who violates a prohibitive statute by the employment of a person whom "the law does not allow to be employed," shall bear the "full burden which may be imposed because of the injury of such an employee" instead of placing any of the burden on the industry as a whole.[16] In West Virginia, therefore, the courts have permitted injured minors excluded from the compensation act because their employment was prohibited by law to sue their employers for damages for their injuries.[17] The Louisiana act [18] provides that it shall not apply to "employees of less than the minimum age prescribed by law for the employment of minors" in the trades, businesses, or occupations covered by the compensation act. The Supreme Court of

[16] Byrd *v.* Sabine Collieries Corporation (114 S. E. 679 (1922)). It was also held in this case that the proviso of the compensation act excluding "persons prohibited by law from being employed" was not intended to apply to employment that, although expressly forbidden by a parent, was not in violation of law. See also Adkins *v.* Hope Engineering & Supply Co. (94 S. E. 506 (1917)), in which the employment of a 15-year-old minor was held not to be unlawful merely because such employment was without his parents' knowledge or consent.

[17] The following reported West Virginia cases indicate the types of prohibited employment in reference to which suits have been maintained to collect damages for injuries to minors: Mangus *v.* Proctor-Eagle Coal Co. (105 S. E. 909 (1921)) (minor in a prohibited occupation); Irvine *v.* Union Tanning Co. (125 S. E. 110 (1924)) (minor under 14); and Morrison *v.* Smith-Pocahontas Coal Co. (106 S. E. 448 (1921)) (minor between 14 and 16 employed in a mine while school was in session). In Jackson *v.* Monitor Coal & Coke Co. (126 S. E. 492 (1925)), possession of an age certificate by an employer issued by the proper authority was allowed as a proper defense to an action for damages for injuries received in such employment, the court holding that the possession of the certificate by the employer kept the employment from being unlawful.

[18] La., Laws of 1914, Act No. 20.

Louisiana in holding that the phrase does not refer "to the ages fixed by municipal ordinances as a requisite to obtaining permits to engage in certain occupations" said that it has reference only to the minimum age prescribed by State laws such as the child labor law,[19] and an intermediate court in Louisiana has indicated that the minors excluded by the compensation act are only those below the minimum age of 14 fixed by the State child labor law.[20]

The inclusion of illegally employed minors under the acts, unlike their exclusion, is by express language in 22 of the 32 jurisdictions in which they are covered by law, that is, in Alabama,[21] Arizona, California, Colorado, Georgia,[22] Illinois, Kentucky, Maryland, Michigan, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Texas, Virginia,[23] Washington,[24] and Wisconsin. This list, of course, includes all the States that provide additional compensation in the case of illegally employed minors (see pp. 17–23), and those that impose a fine upon the employers of illegally employed minors or make the employers of illegally employed minors subject to a suit at law in addition to paying compensation (see p. 16).

Exclusion based on implication from express language.

In Minnesota, Indiana, Nebraska, Utah, and Rhode Island illegally employed minors have been regarded as indirectly excluded

---

[19] Plick et al. *v.* Toye Bros. Auto & Taxicab Co. (124 So. 140 (1929)), reversing 120 So. 721.

[20] Ross et ux. *v.* Cochran & Franklin Co. (Inc.) (122 So. 141 (1929)). Although in this case it was not necessary to construe this phrase, as the minor in question was 16 years old (above the age regulated by the child labor law), the Court of Appeals of Louisiana for the Second Circuit said that the "compensation law applies to minor employees unless they be under the minimum age provided by law for the employment of minors in hazardous occupations, which age is 14 years."

[21] In Ivey *v.* Railway Fuel Co. (118 So. 583 (1928)), the Supreme Court of Alabama held that the specific declaration in the compensation act (sec. 7539) applying the act to "employees who are minors and who have been employed in accordance with or contrary to laws regulating the employment of minors" prevails over a provision in the act which deals generally with words and phrases (sec. 7596) in which employee is defined as "including minors who are legally permitted to work under the laws of [this] State," on the ground that where there is a conflict in sections the provision dealing specifically with a subject must prevail over one doing so generally. This decision was rendered before the Alabama act was amended to provide extra compensation for illegally employed minors.

[22] The Georgia compensation act provides (Laws of 1920, p. 167, sec. 2b): "* * * Minors are included even though working in violation of any child labor law or other similar statute, provided that nothing herein contained shall be construed as repealing or altering any such law or statute." The Court of Appeals of Georgia in Horn *v.* Planters Products Co. (40 Ga. App. 787, 151 S. E. 552 (1930)) said "* * * Whatever might be the rule but for this plain and unequivocal provision of the act * * * a minor, though employed and put to work in violation of the provisions of the child labor law, must be taken to be an employee so far as necessary to give operation to the workmen's compensation law, for and against each of the parties to the employment."

[23] In 1924 (Laws of 1924, p. 478) the Virginia act was amended to provide specifically that the act applies to any minor injured while employed contrary to the laws of the State. The Supreme Court of Appeals of Virginia in Humphries *v.* Boxley Bros. Co. (146 Va. 91, 135 S. E. 890 (1926)), has held that prior to this amendment the act applied to illegally employed minors, the amendment making "no change in the existing law, but was merely declaratory thereof. The legislature we must assume was familiar with the difference in the interpretation put by different courts on other statutes of a similar nature, and intended to indicate how the Virginia act should be interpreted. At all events, the legislature intended to make it plain that it was immaterial whether the employment of the infant was lawful or unlawful. In either event the infant was entitled to the benefits of the act."

[24] The Washington workmen's compensation act (Remington's Comp. Stat. 1922, sec. 7683) expressly provides that if a workman be at the time of the injury less than the "maximum age" prescribed for the employment the employer may be required to pay into the State accident fund a sum equal to 50 per cent of the present value of the amount to be paid to the workman. The Supreme Court of Washington in Rasi *v.* Howard Manufacturing Co. (109 Wash. 524, 187 Pac. 327 (1920)), held that this section clearly recognizes that a minor under the age prescribed for employment is a workman within the meaning of the act and that a minor employed either lawfully or unlawfully is entitled to all its privileges.

by reason of the fact that the compensation acts extend by express language only to minors who are "legally permitted to work" or "lawfully in the service of another," or "working at an age legally permitted."

The words "legally permitted to work" in the Minnesota law were held by the State supreme court in a case decided in 1917 to have been intended by the legislature to exclude from the act minors who were employed in violation of the child labor law, the court saying:

> This is made too clear for controversy when viewed in the light of the legal rights of minors in this State, and of our statutes affecting such rights, known as "child labor laws." In the absence of legislation to the contrary, all minors may lawfully engage in such employments or work as their age and capacity fit them, and in this respect are "legally permitted" to work, though their contracts, except as to necessities, are voidable at their election. In fact we have no statute expressly permitting the employment of minors, and the use of the words "legally permitted to work" was not intended as a reference to permissive legislation. But we have statutes, and have had for many years, known as the child labor laws, by which the employment of minors of certain age is expressly prohibited in specified classes of employment deemed detrimental to their moral welfare and dangerous to their life or limb. And in making use of the language quoted it is apparent that the legislature intended to preserve the status of minors in respect to their employment in dangerous occupations, and to remove them from the compensation act when employed in violation of law. No other construction of the statute can be adopted that would not be in discord with our whole legislative policy upon the subject.[25]

In this 1917 case the court also had before it the question of whether the employment of a minor of 14 loading waste material on cars in a quarry was in violation of the child labor law and the minor therefore excluded from the compensation act. The Minnesota child labor law does not specifically prohibit the work in which the minor was engaged, but the court held that such employment was dangerous to a minor under 16 and accordingly illegal under the provision of the child labor law (Minnesota, Gen. Stat. 1913, sec. 3870) that forbids the employment of minors under this age in specified occupations or "in * * * any other employment dangerous to their lives or limbs, or their health or morals." Although under this decision the range of employments that may be classed as dangerous and therefore prohibited is indefinite, the State industrial commission has held that not every employment in which an accident occurs is dangerous and therefore prohibited but that before an occupation not specifically enumerated as a forbidden employment in the law can be classed as dangerous the conditions surrounding such employment must be considered.[26]

Likewise, the Indiana courts have held that an illegally employed minor is not an "employee" within the meaning of the act, which defines the term to "include every person, including a minor, law-

---

[25] Westerlund *v.* Kettle River Co. (137 Minn. 24, 162 N. W. 680 (1917)). To the same effect is the recent case of Weber *v.* J. E. Barr Packing Corporation et al. (234 N. W. 682 (1931)). In the earlier case of Pettee *v.* Noyes et al. (133 Minn. 109, 157 N. W. 995 (1916)), the court, though the question was not directly before it, said that the provision in the compensation act making the statute applicable to minors "who are legally permitted to work under the laws of this State," was intended to exclude from the statute minors whose employment is prohibited by law.

[26] Carr *v.* Berg and Hartford Accident and Indemnity Co., decided May 21, 1925 (Minnesota Workmen's Compensation Decisions, vol. 3, p. 108).

fully in the service of another * * *."[27] As interpreted by the courts and the industrial board, which administers the workmen's compensation law, any violation of the child-labor statute is sufficient to place a minor outside the terms of the compensation law. (For further information on the exclusion of minors under the Indiana law, see pp. 147, 149.)

The Nebraska and Utah acts, like that of Minnesota, define "employee" to include minors "legally permitted to work" and the Rhode Island act covers minors "working at an age legally permitted," but no decisions have been handed down by the supreme courts of these States definitely holding that illegally employed minors are excluded from the benefits of the law. The Utah industrial commission, which administers the act, however, has denied compensation to such minors on the ground that it has no jurisdiction over them, and in a recent case the third judicial district court of Salt Lake County said that the Utah compensation act "by implication excludes minors who are not legally permitted to work for hire."[28] In Nebraska, the State supreme court, although not passing directly on the question as to whether or not the act excludes an illegally employed minor, has held that the workmen's compensation act did not compel a 15-year-old minor, injured while operating a laundry mangle and whose employer had failed to obtain the employment certificate required by the child labor law, to rely on the compensation act;[29] that is, he might sue his employer at law. In Rhode Island, the commissioner of labor, under a decision of the Rhode Island Supreme Court in 1919,[30] in which it was said that a minor under 14 employed in violation of the minimum-age provision or one between 14 and 16 employed without an employment certificate was not working "at an age legally permitted under the laws of the State," has ruled that the act does not apply to such minors. There have been no decisions by the Rhode Island courts as to whether minors working in violation of the hours-of-labor or night-work provisions of the law, or working at an occupation prohibited under the hazardous-occupations provisions of the child labor law, are excluded from the benefits of the act.

---

[27] In re Stoner (128 N. E. 938 (1920)); Indiana Manufacturers' Reciprocal Association et al. *v.* Dolby (133 N. E. 171 (1921)); in re Morton, 137 N. E. 62 (1922); Driscoll *v.* Weidely Motors Co. (133 N. E. 12 (1921)); Raggi *v.* H. G. Christman Co. (151 N. E. 833 (1926)). The cases cited arose under Indiana act of 1915 (chapter 106, as amended in 1919 (ch. 57)), but the language construed is identical with that found in the new workmen's compensation law passed in 1929 (ch. 172) which is quoted in the text above. See also New Albany Box and Basket Co. *v.* Davidson (125 N. E. 904 (1920)), and Mid-West Box Co. *v.* Hazzard (146 N. E. 420 (1925)), arising prior to the 1919 amendment which expressly limited the application of the act to minors "lawfully" in the service of another, in which it was held that the act nevertheless applied only to lawful employment.

[28] Boden *v.* Draper et al., No. 45612, Third Judicial District Court of the State of Utah in and for Salt Lake County, Dec. 11, 1930. This case involved the right of the father of an 11-year-old minor, who was killed while employed as a water boy in the construction industry, to sue the child's employer for damages for the minor's death on the ground that as the child was employed without an employment certificate he was not "legally permitted to work" and was excluded from the compensation act. The court, after calling attention to the fact that the child labor law was "quite ambiguous," held that as it contained no provision prohibiting or regulating the employment of a child under 14 in this occupation, the employment of the minor was not illegal and the father's claim against the employer would have to be satisfied under the compensation act.

[29] Benner *v.* Evans Laundry Co. (222 N. W. 630 (1929)). In Navracel *v.* Cudahy Packing Co. (191 N. W. 659, 193 N. W. 768 (1923)), it was held that a minor injured as a result of the employer's violation of the act requiring proper safeguards around machinery was subject to the compensation act and could not sue at law.

[30] Taglinette *v.* Sydney Worsted Co. (105 Atl. 641 (1919)).

Exclusion or inclusion by interpretation.

In 15 States and the District of Columbia illegally employed minors are not specifically mentioned in the workmen's compensation law and are, therefore, neither expressly included nor excluded, nor has their status been indirectly implied from language in the workmen's compensation law relating expressly to legally employed minors. In these jurisdictions it has been necessary, therefore, for the courts or the State administrative agencies to determine whether or not illegally employed minors are included among the "employees" covered by the act. Although all these acts define employee to include "every person in the service of another, under any contract of hire, express or implied * * *" or "a person who has entered into the employment of, or works under contract of service, express or implied * * *," or in some similar manner (specifically including minors in some instances although not referring specifically to legality of employment), the laws have been construed in some States to apply to illegally employed minors and in others not to apply to them.

In 6 States (Delaware, Iowa, Oklahoma, South Dakota, Tennessee, and Vermont) they have been construed or interpreted, either by court decision or by administrative action, as not to apply to the illegally employed minor or at least as not preventing such a minor from proceeding against his employer in an action at law. On the other hand, in 9 States (Connecticut, Idaho, Kansas, Maine, Massachusetts, New Hampshire, New Mexico, Ohio, and Wyoming) and in the District of Columbia the acts, though likewise not explicit on this point, have been construed or interpreted to include illegally employed minors.

In Delaware, Iowa, Oklahoma, Tennessee, and Vermont, all the States (except South Dakota) in which the illegally employed are excluded but not expressly nor by implication from express language, the compensation acts have been construed by the courts to embrace only persons in lawful employment. These courts have reasoned that the legislature could not have intended to include contracts the making of which is prohibited in the child labor law; that for an employee to be included within the compensation act there must be a valid contractual relationship between the employer and employee, and as no valid contract could be made by or for a minor to engage in employment contrary to law, he is not an "employee" under the compensation act; and also that an employer by such void contract can not limit his liability to such a minor to that fixed in the act. In all these States the courts have given effect to this view by permitting suits at law [31] to be maintained for damages for injuries to illegally employed minors.

According to the Industrial Commission of South Dakota, which administers the workmen's compensation law, minors employed in

[31] Delaware: Widdoes *v.* Laub (129 Atl. 344 (1925)). (Employment of a minor between 14 and 16 without employment certificate. The court stated that such a minor between 14 and 16 was in the same position as a minor under 14—both groups were unable to "assent to be bound" by the compensation act.)
Iowa: Sechlich *v.* Harris-Emery Co. (184 Iowa 1025, 169 N. W. 325 (1918)). (Employment of a minor under 14 in violation of a minimum-age provision of the child labor act.

violation of any provision of the child labor law are excluded from the compensation act.

The following excerpts from some of the decisions just cited give the reasons advanced by the courts for excluding illegally employed minors. The Supreme Court of Oklahoma, in Rock Island Mining Co. *v.* Gilliam (213 Pac. 833 (1923)), said:

> It is our opinion that in enacting the workmen's compensation law the legislature referred to legal employment, and that the provisions of the act have no reference to minors who are employed in violation of the statute. To construe the law so as to permit an employer who has employed children illegally, in express violation of the statute, to insist that they are deprived of their common-law rights, and must look to the compensation act for relief, would nullify the provisions of the statute prohibiting child labor and would be in disregard to (sic) the public policy of the State. The workmen's compensation law was not intended to prescribe rights and remedies for persons engaged in unlawful or criminal occupation. It in no manner destroys the purpose of the workmen's compensation law to hold that its provisions were not intended to apply to children who are unlawfully set at work in hazardous employments and that where they are injured in such employments they have a common-law action against the employer.

In Sechlich *v.* Harris-Emery Co. (184 Iowa 1025, 169 N. W. 325 (1918)) the Supreme Court of Iowa said:

> * * * Under the compensation statute the right of the employee to exact compensation from his employer for personal injury, according to its terms, and the right of the employer to exemption from all other liability than is there provided, are in their last analysis a matter of contract. Neither party is bound by the terms of the contract as to compensation until he expressly or impliedly accepts its terms. The employment of a child under the prescribed minimum age being forbidden, the child can not lawfully consent to take employment under the statute, nor can the employer by such void contract limit his liability for injury to such child to the compensation fixed by the act, to which it was incapable of giving consent. * * * Whether, if a child makes a claim under the compensation act, the employer could successfully plead the child's nonage in defense, we do not attempt to decide. * * *

The following excerpt is from the decision of the Vermont Supreme Court in Wlock *v.* Fort Dummer Mills (129 Atl. 311 (1925)):

> It is to minors who are employed without violating any of the provisions of the last named law [that is, the child labor law] that reference is made in sections 5758 and 5765 of the workmen's compensation act, where the employment of minors is recognized, and by the latter of which sections a presumption is created that, when employed, their rights are to be governed by the provisions of that act, unless notice of a contrary intention is given by or to the parent or guardian of the minor. * * *

Oklahoma: Rock Island Coal Mining Co. *v.* Gilliam (213 Pac. 833 (1923)). (Employment of a minor under 16 in a hazardous occupation (underground in a mine).)

Tennessee: Manning *v.* American Clothing Co. (147 Tenn. 274, 247 S. W. 103 (1922)). (Employment of a minor under 14 in violation of the minimum-age provision of the child labor law.) Knoxville News Co. *v.* Spitzer (152 Tenn. 614, 279 S. W. 1043 (1926)). (Employment of a minor between 14 and 16 without an employment certificate.) Western Union Telegraph Co. *v.* Mrs. Estelle Ausbrooks (148 Tenn. 615, 257 S. W. 858 (1923)). (Employment of a minor of 15 without an employment certificate and at prohibited hours.) In this last case, however, the supreme court, although the question was not directly presented for decision, said that it doubted that an illegally employed minor should be deprived of the benefits of the compensation act if he claimed them, as the child labor law penalizes the employer and not the child and the employer should not be permitted to use his wrongdoing as a defense against an employee's claim under the compensation act.)

Vermont: Wlock *v.* Fort Dummer Mills (129 Atl. 311 (1925)). (Employment of a minor without an employment certificate.)

The Supreme Court of Delaware in the case of Widdoes *v.* Laub (129 Atl. 344 (1925)) said:

In the final analysis every claim for compensation by an injured employee against his employer under the terms of a workmen's compensation act which, like our own, depends for its binding effect upon both the employers and employees election to be so bound must be founded upon the basic principle that between the employer and employee some contractual relationship existed as to the very nature of the claim, viz.: Compensation for injuries. Upon this relationship rests the claim of the employee under the act and upon this relationship is likewise based the exemption of the employer from liability other than that provided by the act. The consent of the parties to the contract is either express or implied by the terms of the act upon failure to give the prescribed notice not to be bound by the act at all.

Now, it seems to us that it must be apparent that a child under 14 years of age can not lawfully assent to be bound by the provisions of the workmen's compensation law nor can anyone do this for him, for the employment of such child is expressly unlawful. If it be also true, as we believe it is, that there is no distinction in this respect between a minor under 14 and one between 14 and 16 for whom no employment certificate had been obtained as in the matter here pending, it must necessarily follow that in this case there was no lawful assent to be bound by the terms of the compensation act. There was no lawful contract covering compensation for injuries.

Adverting again then to what we conceive to be the fundamental rule that compensation laws such as our own are based upon the idea of a lawful contract for compensation in case of injury, we hold that such compensation law does not govern such a case as the present. To hold otherwise would in a large degree nullify the child labor law, and would have no tendency to discourage the practice which the statute has made illegal, for the employer's liability would be no greater in case of an illegal than of a legal employment. The concluding paragraph of the child labor law is that: "It shall be so interpreted and construed as to effectuate its general purposes and objects."

With this rule of construction in mind and perceiving that the child labor law and workmen's compensation law were both approved upon the same day, April 2, 1917, it seems incredible that one act should be interpreted as the solemn commandment that the children of designated ages should not be employed and the other should be construed as providing compensation to the prohibited class.

Of the 10 jurisdictions that include illegally employed minors under the workmen's compensation law in the absence of express wording in the law, Connecticut, Massachusetts, and Ohio have done so by judicial interpretation. The Supreme Judicial Court of Massachusetts in 1929 held that the phrase in the compensation act extending the act to "every person in the service of another" includes illegally employed minors, saying:

As respects the rights of minors under the act we do not perceive any reason to differentiate between those who are lawfully employed and those employed as a consequence of the employer's illegal conduct. In both instances the minors are free from any statutory inhibition; their contracts as to themselves are free from any taint of illegality; in each case they are entitled to similar benefits and to an equivalent amount of protection. The parties are possessed of capacity to establish the relation of master and servant notwithstanding the contrary obligation which the statute imposed upon the employer. The contract is not of that type which is wholly void and from which no enforceable rights arise.[32]

The present Ohio act has likewise been interpreted by the courts as including the illegally employed. This act formerly applied specifically to minors "who are legally permitted to work for hire under the laws of the State,"[33] and the Supreme Court of Ohio held in

[32] Pierce's case (166 N. E. 636 (1929)). [33] Ohio, Laws of 1913, p. 72, sec. 14.

1918 "that it was intended by this clause to exclude from the operation of the provisions of the act minors whose employment is illegal."[34] In 1919,[35] however, the legislature amended the act, eliminating the qualifying words "who are legally permitted to work for hire under the laws of the State." In a suit for damages arising after this amendment, in which a minor of 14 sued his employer alleging that he had been injured while working upon dangerous machinery and without an employment certificate in violation of the child labor law, the supreme court held that, under the 1919 amendment (which in the opinion of the court had been passed as a result of the 1918 decision above referred to), the minor was included under the compensation act, and said:

> As it now stands the workmen's compensation act is plain and explicit. Subdivisions 1 and 2 of section 1465–61, general code, provide that every person in the service of another employing five or more workmen under "any contract of hire * * * including * * * minors" shall be construed to be an employee "as used in this act." Though the employment be illegal, that section makes "any contract of hire" efficacious to sustain the relation of employee and employer under the act. Penal statutes prohibiting employment of minors are neither repealed nor made ineffective by the workmen's compensation act; they can still be enforced, but such statutes do not preclude the legislature from exercising the powers, conferred on it by section 35, Article II, of the constitution, of defining who shall be workmen or employees.[36]

The Connecticut compensation act, in this particular much like that of Massachusetts, defines an "employee" as "any person who has entered into or works under any contract of service or apprenticeship with an employer * * *." The supreme court of errors, in a decision rendered in 1930 in which it examined and discussed the varying opinions of the courts of the different States relating to this subject, held that a minor employed in violation of the child-labor statute is included in this definition of employee and is subject to the compensation act. This decision is of special interest in view of the fact that the court reviews and answers the arguments usually advanced in excluding illegally employed minors from the compensation act. It reads in part as follows:

> The argument of those decisions which hold that under provisions similar to ours minors employed in violation of a statute are not entitled to compensation largely comes to this, that the legislature must be assumed to have intended, when it speaks of a contract of service, to include only legal contracts, and therefore it can not have intended to include one made in violation of a statute. The difficulty with this argument, as it seems to us, is that as regards the child the legislature very evidently did not regard him as in any sense a real wrongdoer if he entered into such a contract without there being a compliance with the statutes. It might be that the employer could get no advantage from such a contract in a court of law because he would not be permitted to set up the fact that he had acted in contravention of its mandate, but that would not necessarily prevent the child from claiming any benefit which might arise out of its terms. (3 Williston, Contracts, secs. 1630, 1631.) * * *
>
> The other principal argument advanced in these opinions which deny the right of compensation to a minor employed in contravention of a statute is that to admit him within the compensation law would be to decrease the incentive upon the employer to comply with the [child labor] statute, because he would, in case of injury, be holden to no heavier a liability for an illegal, than for a legal, employment. We can not admit the force of this argument. Such sanction as statutes regulating the employment of children derive from civil liability

[34] Acklin Stamping Co. *v.* Kutz (120 N. E. 229 (1918)).
[35] Ohio, Laws of 1919, pp. 313, 317.
[36] Mueller *v.* Eyman (112 Ohio State 337, 147 N. E. 342 (1925)).

consequent upon their breach is incidental, and, where they make no mention of other than monetary penalties,[37] it can not be deemed to have been greatly regarded when the statute was enacted. Before giving to this argument controlling weight, the balance would have to be struck between the possibility of benefit from the employment of fewer minors in contravention of the statute and the advantages which would come from extending to those so employed the obvious and recognized benefits of the compensation law. In determining the legislative intent, we can not think that the former consideration had weight, but we believe that the extension to the child of the benefits of the act better accords with the broad humanitarian purpose of the law, to give certain and speedy relief to those suffering injury in industry and to those dependent upon them.[38]

In addition to the States in which illegally employed minors have been held to be under the acts by judicial interpretation, there are six States (Idaho, Kansas, Maine, New Hampshire, New Mexico, and Wyoming) and the District of Columbia, which, although the compensation acts do not specifically mention illegally employed minors and the courts have not passed on their application to such minors, are regarded by State officials as including illegally employed minors within the terms of the acts. In three of the six (Idaho, Kansas, and Maine) and in the District of Columbia, the workmen's compensation acts are administered by a central agency specifically charged with their supervision, and the administrative officials have stated that the acts extend to the minor who is illegally employed. In the other three (New Hampshire, New Mexico, and Wyoming) no one central State agency is specifically charged with the entire administration of the workmen's compensation law, all claims for compensation in New Hampshire and New Mexico being settled directly by the employer (or his carrier) and the injured employee and in cases of disputes by courts having jurisdiction; and in Wyoming by the judge of the district court in the county wherein the accident occurred. In these three, however, State officials concerned in some way with the administration of the act, or familiar with its operation, state that illegally employed minors are regarded as being covered by the acts and that they are being compensated according to their terms.[39]

COMPENSATION LAWS COVERING ILLEGALLY EMPLOYED MINORS AND ALSO PENALIZING THEIR EMPLOYERS

In addition to providing for the payment of compensation to illegally employed minors in the same amount as to legally employed minors, the compensation acts of 14 States subject the employers of such minors to additional payments or additional liabilities. Three subject the employers to fines, two to suits at law by the injured minor or his parents, and nine to larger compensation than in the case of injuries to the legally employed. Such provisions indicate a growing tendency in workmen's compensation legislation to place employers who violate the State child labor laws in a less favorable position under the workmen's compensation law than those who comply therewith.

---

[37] The Connecticut child labor law does not make a violation of its provisions a misdemeanor but provides only monetary penalties for specific classes of violations.

[38] Kenez *v.* Novelty Compact Leather Co. et al. (149 Atl. 679 (1930)).

[39] In New Mexico no minor under 14 is subject to the act (see footnote 6, p. 4). The illegally employed minors covered by the act, therefore, are those 14 or over.

LAWS SUBJECTING EMPLOYERS TO FINES

Employers in Nevada, Oregon, and Washington are liable to the State for specific penalties if the injured minor employee is less than the age prescribed by law for employment in the occupation in which he is engaged when injured. The penalty provided in Nevada is from $300 to $2,000, and the law provides also that the State may collect the penalty in a civil action, thereby permitting the State, in case of an adverse decision, to appeal its suit, whereas if the penalty were enforced through criminal procedure no appeal by the State would be possible. In Oregon the employer, if he did not employ the minor in good faith,[40] may be required to pay into the State accident fund 25 per cent of the amount of compensation up to a maximum of $500, and in Washington, 50 per cent of the compensation.

LAWS SUBJECTING EMPLOYERS TO SUIT AT LAW

North Dakota and Virginia not only require the employer of an illegally employed minor to pay compensation as in the case of a legally employed minor, but expressly provide that in addition he may be sued at law under certain conditions, although suits at law are not permitted as a general rule under the workmen's compensation acts if both the employer and the employee are subject to the compensation act and have complied with its provisions. In North Dakota the employer may be sued at law in the case of either injury or death of a minor employed in violation of law, and in Virginia the act expressly reserves to the parents of a minor the right to sue the employer for loss of the child's services if he has knowingly and willfully employed the minor in violation of law.

In this connection it is important to note that when New Jersey adopted, in 1924,[41] an extra-compensation amendment it expressly provided that " nothing in this act contained shall deprive an infant under the age of 16 of the right or rights now existing to recover damages in a common-law or other appropriate action or proceeding for injuries received by reason of the negligence of his or her master." Before the passage of this amendment illegally employed minors excluded from the compensation act had the right to resort to suits at law in order to obtain damages for personal injuries received during such illegal employment,[42] and the New Jersey courts have held that this right still exists as to minors under 16.[43]

---

[40] Possession of a properly issued employment certificate is made conclusive evidence of good faith, otherwise " good faith " is to be determined conclusively by the industrial accident commission.

[41] N. J., Laws of 1924, ch. 159.

[42] Hetzel *v.* Wasson Piston Ring Co. (89 N. J. Law 201, 98 Atl. 306 (1916)); Schwartz *v.* Argo Mills Co. (92 N. J. Law 433, 105 Atl. 199 (1918)); Volpe *v.* Hamuersley Mfg. Co. (96 N. J. Law 489, 115 Atl. 665 (1921)); Boyle *v.* Van Splinter et al. (101 N. J. Law 89, 127 Atl. 257 (1925)).

[43] In Mauthe *v.* B. & G. Service Station (139 Atl. 245, decided in 1927), the employer contended that an administrator who was suing him for damages for the death of a minor who was killed while employed in a gasoline supply station should have proceeded under the compensation act. The Supreme Court of New Jersey held that as the minor was " of the age of 15½ years and therefore under the age of permissive employment, under the statute, in the service for which he was engaged," the right of the administrator to sue at law was not affected by the compensation act, as the 1924 amendment providing extra compensation expressly provides that nothing in the act " shall deprive an infant under the age of 16 of the right or rights now existing to recover damages in a common law * * * action or proceeding for injuries received by reason of the negligence of his or her master." Later, in 1929, the Court of Errors and Appeals of New Jersey also reached the same conclusion in Terlingo *v.* Belz-Farr (Inc.) (147 Atl. 480 (1929)), which involved a suit by the administrator of the estate of a boy under

EXTRA COMPENSATION LAWS

The nine States that provide for the payment in certain cases of injuries to illegally employed minors of an amount in addition to the compensation paid in case of an injury to a minor employed legally are Alabama, Illinois, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and Wisconsin. Formerly the workmen's compensation law of Indiana provided for the payment of additional compensation to illegally employed minors, but it does not do so now. (See p. 144.) In addition, Ohio at the present time has a provision in its State constitution that might, it would appear, permit of the interpretation that extra compensation should be paid to such minors. The State industrial commission holds, however, that this provision does not apply to violations of the child labor law.[44]

History of extra-compensation legislation.

Legislation providing for the payment of extra compensation in the case of minors injured while illegally employed originated in Wisconsin. Prior to 1917 the Wisconsin compensation act included among the employees subject to its provisions "minors who are legally permitted to work under the laws of the State who * * * shall be considered the same and shall have the same power of contracting as adult employees." This was construed by the courts as including only minors who at the time of contracting were legally authorized to enter the employer's service, and minors not "legally permitted to work" under the child labor laws were held to be outside the compensation law.[45] However, such minors as were excluded from the act were in a very favorable position when bringing suits at law because, as under many child labor laws, a person employing a

---

16 killed while working in a stoneyard without an age and schooling certificate. The court said:

"By express legislative language the infant is not deprived of any rights which existed, either at common law or by virtue of any other appropriate action or proceeding. These words of legislative purpose can not be construed so as to deprive the representative of the deceased infant of existing rights.

"The legislative purpose in making this amendment is perfectly clear. The minor is given certain additional rights, and is deprived of none that exists. True, the dependents are given certain new rights, but no purpose is expressed to deprive them of those that existed. The statute is remedial, and in the absence of words an intention to curtail existing rights is not to be presumed."

[44] Sec. 35, art. 2, provides that if the State industrial commission finds that an injury, disease, or death has resulted from the employer's failure to comply with any specific requirement for the protection of the lives, health, or safety of employees enacted by the general assembly or in the form of an order adopted by the commission, the compensation payable may be increased by not less than 15 per cent nor more than 50 per cent. The decision of the commission in such a case is made final. The commission on June 30, 1927, in the case of George Hardy *v.* Cleveland Hardware Co., claim 1047621, granted a 50 per cent extra award under this clause to a minor injured while illegally employed, but at a rehearing of this case on Feb. 20, 1928, the commission reversed itself and disallowed the additional award on the ground that this provision does not apply to child-labor violations because "the laws governing the employment of minors in this State are not regarded as specific requirements for the reason that it was not so contemplated at the time of their enactment and in fact do not constitute specific requirements."

[45] Stetz *v.* F. Mayer Boot & Shoe Co. (163 Wis. 151, 156 N. W. 971 (1916)). In this case the Supreme Court of Wisconsin held that the minor employee not having obtained a written permit authorizing his employment as required by law could not be legally employed and therefore was not subject to the act, the court saying "the statute includes only such minors who at the time of contracting are legally authorized to enter the employer's service." In Foth *v.* Macomber & Whyte Rope Co. (161 Wis. 549, 154 N. W. 369 (1915)), it was held that the phrase "minors who are legally permitted to work under the laws of the State," should not be given a restrictive construction limiting it to minors permitted to be employed at the precise work in which injured, but should be construed to include a minor permitted under the laws of the State to do any kind of work; therefore, a minor having a work permit was legally authorized to work in the occupation for which he contracted to work and was an employee within the meaning of the compensation act and entitled to compensation, although at the time of the injury he was working at a prohibited occupation. See also Lutz *v.* Wilmanns Bros. Co. (166 Wis. 210, 164 N. W. 1002 (1917)).

minor in violation of the laws is guilty of a criminal offense (a misdemeanor), and under the decisions of the Wisconsin courts such an employer is deprived of the usual common-law defenses and can not set up any excuse in avoidance of the consequences of his criminal act.[46] Proof of the fact that the minor's injury occurred in employment in violation of law is sufficient to establish the employer's liability. As a result of these decisions, a suit at law for damages for injuries to such minors becomes practically a mere assessment of damages. The employers were alarmed at the possibility of large awards in such suits and the plan for extra compensation was proposed by a representative of one of the leading employer's associations in the hope of making definite the amounts that the employers are required to pay.[47] As a result, a provision was incorporated into the Wisconsin law in 1917 that provided for triple compensation if the minor was working without a permit or at a prohibited occupation.[48] (See p. 58.)

Extra-compensation legislation has since been adopted in eight additional States at the instance of various agencies, chiefly those interested in obtaining additional safeguards for the protection of children under the child labor laws. The first State to follow Wisconsin was Indiana,[49] which passed an act providing double compensation in case of certain illegally employed minors; this act, however, has been inoperative since 1926 (see p. 144). In the same year New York,[50] on the recommendation of the child-welfare commission, a body appointed by the legislature[51] to "examine laws relating to child welfare, and propose remedial legislation * * *" enacted an act providing double compensation. New Jersey[52] followed with an extra-compensation measure in 1924; Missouri,[53] in 1925 (effective in 1927); three States (Maryland,[54] Illinois[55] and Michigan[56]), in 1927; and two more (Alabama[57] and Pennsylvania[58]) in 1931.

Constitutionality of extra-compensation legislation.

The Supreme Court of Wisconsin in 1920 held the extra-compensation provision of the State law constitutional. The court said that extra compensation is not (as was contended by the employer) a penalty imposed in the enforcement of a criminal statute, namely, the child labor law, but is a condition that the legislature has the power to lay down as a prerequisite to permitting illegally employed minors, who had previously been excluded from the workmen's compensation act, to be compensated under the act. The court

---

[46] Grecn *v.* Appleton Woolen Mills (162 Wis. 145, 155 N. W. 958 (1916)); Pinoza *v.* Northern Chair Co. (152 Wis. 473, 140 N. W. 84 (1913)); Stetz *v.* F. Mayer Boot & Shoe Co. (163 Wis. 151, 156 N. W. 971 (1916)). (See also pp. 23, 25 for decisions cited on this point arising in States that at the present time exclude illegally employed minors from the workmen's compensation law.)

[47] Witte, E. E.: Treble Compensation for Injured Children. American Labor Legislation, June, 1923, p. 123.

[48] Wisconsin, Laws of 1917, ch. 624 (amended by Laws of 1919, ch. 680; Laws of 1925, ch. 384; Laws of 1927, ch. 517; and Laws of 1929, ch. 453).

[49] Ind., Laws of 1923, ch. 76.

[50] N. Y., Laws of 1923, ch. 572.

[51] N. Y., Laws of 1920, ch. 699.

[52] N. J., Laws of 1924, ch .159.

[53] Mo., Laws of 1925, p. 375.

[54] Md., Laws of 1927, ch. 536.

[55] Ill., Laws of 1927, p. 497 (amended by Laws of 1931, p. 576).

[56] Mich., Laws of 1927, Act No. 162 (amended by Laws of 1929, Act No. 113).

[57] Ala., Laws of 1931, Act No. 357.

[58] Pa., Laws of 1931, P. L. 36.

pointed out also that under an earlier decision [59] employers in Wisconsin who have elected to operate under the compensation law are bound by all the provisions thereof and have waived all common-law remedies.[60]

The Michigan Supreme Court has held that an employer who has chosen to operate under the workmen's compensation law of that State thereby accepts the act and all amendments thereto and may not question the constitutionality of it or any amendment thereof. The court also indicated that the employer's liability to pay extra compensation is contractual in that by his contract of employment he has agreed to be governed by the provisions of the extra-compensation amendment.[61] The parents of a minor killed while illegally employed were likewise denied the right to question the constitutionality of the provision, the court saying that as the legislature had given illegally employed minors the right to contract "the minor employed is under the same estoppel as the employer to deny constitutionality." [62]

No cases involving the constitutionality of such legislation in the seven other States in which extra compensation laws are now operative have been reported.[a] (For discussion of the constitutionality of such legislation in Indiana, see p. 144.) Awards of double compensation to minors illegally employed made by the industrial board of New York have been affirmed by the State courts without opinion.[63]

Minors covered by extra-compensation provisions.

The additional compensation provisions differ in scope in the various States. The minors covered by the provisions in each State are as follows:

Alabama: Any minor who at the time of injury is "employed in violation or contrary to the law regulating the employment [of minors], or any part thereof."

Illinois: Any minor who is under 16 years of age at the time of the accident and who is "illegally employed."

Maryland: Any minor employed "illegally under the laws of this State, with the knowledge of the employer."

Michigan: Any minor under 18 years of age "whose employment at the time of the injury shall be shown to be illegal."

Missouri: Any minor whom the "employer knowingly employed" in violation of the child labor law.

New Jersey: (1) Any minor who at the time of the injury is under 14 "employed in violation of the labor law."

(2) Any minor who at the time of the accident is between 14 and 16 "employed, permitted, or suffered to work without an age and schooling certificate, or an age and working certificate or at an occupation prohibited at that age by the labor law."

New York: Any minor under 18 "employed, permitted, or suffered to work in violation of any provision of the labor law."

---

[59] Anderson *v.* Miller Scrap Iron Co. (169 Wis. 106, 170 N. W. 275, 171 N. W. 935 (1919)).

[60] Brenner *v.* Heruben et al. (170 Wis. 565, 176 N. W. 228 (1920)). This case was reaffirmed in the later cases of Mueller & Son Co. *v.* Gothard et al. (173 Wis. 135) and Faust Lumber Co. et al. *v.* Gaudette et al. (173 Wis. 136), both reported at 179 N. W. 576 (1920). For more detailed discussion of this case and others arising under the Wisconsin extra-compensation provision, see p. 61.

[61] Cooley *v.* Boice Bros. et al. (245 Mich. 325, 222 N. W. 768 (1929)).

[62] Thomas *v.* Morton Salt Co. (253 Mich. 613, 235 N. W. 846 (1931)).

[a] Since this report was written the Illinois extra compensation amendment has been held constitutional. (Landry *v.* E. G. Skinner & Co. (Inc.), 344 Ill. 579, 176 N. E. 895 (June 18, 1931).)

[63] Cross *v.* General Motors Corp. (223 App. Div. 803, affirmed 164 N. E. 568 (1928)); Miller *v.* Jost (217 App. Div. 810 (1926)); Longadino *v.* Aiello (220 App. Div. 793 (1927)); Freeburg *v.* Delaney Co. (215 App. Div. 849 (1926)); Estenich *v.* Fort Plain Iron Co. (213 App. Div. 842 (1925)).

Pennsylvania: Any minor at the time of the accident under 18 years of age "employed or permitted to work in violation of any provision of the laws * * * relating to minors of such age."

Wisconsin: (1) Any minor of permit age or over who at the time of the injury is illegally employed, required, permitted, or suffered to work at prohibited employment.

(2) Any minor of permit age (that is, between 14 and 17 except during school vacation, when permit may be issued to child between 12 and 14 for specified work) who at the time of the injury is illegally employed, required, suffered, or permitted to work without a permit issued pursuant to law or in any place of employment or at any employment in or for which the industrial commission has ruled that no permits shall be issued.

(3) Any minor who is "under permit age and illegally employed" (minimum age for permit is 14 years, except in school vacation, when the minimum age is 12 for work in specified occupations).

In all these nine States, except New Jersey and Wisconsin, these provisions apply to illegal employment generally without specifying the types of illegal employment that would result in the employer's incurring liability for extra compensation. Although the definition of illegal employment under laws of this type may be open to administrative and court construction, such laws can be extended to apply to a greater range of illegal employment than is reached by acts that are more specific, as in New Jersey and Wisconsin. For instance, under the New York provision, which applies to work in "violation of any provision of the labor law," the courts have affirmed, without opinion, double-compensation awards in cases involving violations of the night work law, as well as violations of the employment certificate law, and of the prohibitions against the employment of children in dangerous occupations and of the minimum-age provision. (See decisions cited in footnote 63, p. 19.) Employers in Illinois have likewise been required to pay extra compensation for similar violations. In Michigan, also, where double compensation is payable to any minor under 18 whose employment at the time of the injury is illegal, the provision has been interpreted by the attorney general [64] as being applicable in cases of violations of the child labor law regulating (1) maximum hours of labor or work at night, (2) minimum age, (3) employment without an employment certificate, or (4) work in prohibited occupations or, in the case of a minor between 16 and 18, work involving some degree of hazard in an occupation that has not been approved by the department of labor and industry as being not unduly hazardous. The supreme court has held, however, that work not hazardous in fact is legal even without the approval of the department of labor and industry and has stated also that if a well-defined and commonly understood occupation is once approved by the department as not unduly hazardous special approval is not required in each instance.[65] Neither

[64] Opinion of the attorney general of Michigan, dated May 1, 1928, to the Michigan Department of Labor and Industry, supplemented by information from the department. At the date of this opinion of the attorney general the extra-compensation provision applied only to minors between 16 and 18 years of age, but this provision was extended in 1929 to all minors under 18.

[65] Van Sweden *v.* Van Sweden and Aetna Life Insurance Co. (250 Mich. 238, 230 N. W. 191 (1930)). In this case the commission had awarded extra compensation to a 16-year-old boy injured while employed by his father as a carpenter's helper, on the ground that

the Wisconsin nor the New Jersey extra compensation laws, which apply to specific violations, provide extra compensation for a violation of the provisions of the child labor law regulating the maximum hours of labor and night work. In Wisconsin, where the extra compensation is payable only for specified violations of the child labor law, the supreme court held, in 1930, that such provisions must be strictly construed and an employer becomes liable only if the provision of the child labor law violated is precisely that specified in the compensation act.[66]

On the other hand, even though the New York provision is more general in its application to illegal employment than those in New Jersey and Wisconsin, the failure of an employer to comply with certain general provisions of the labor law that impose duties upon employers intended to assure the safety of their employees has been held not to make the employment of a boy over 16 "in violation of the labor law" within the meaning of the double-compensation provision. In reaching this conclusion the court said that the violation which the legislature intended to cover occurs only when the employment is not lawful for the age and sex of the employee.[67] Again, in 1929, an employer was held not to be liable for extra compensation to a minor of 17 injured while operating a power-brake machine which was not guarded as required by sec. 256 of the labor law. The employment in which he was injured, the court said, was lawful for one of his age, and the violation of a statutory requirement that a machine should be guarded does not make an employment to work on the machine when unguarded unlawful. The court pointed out that the extra-compensation section is penal in effect and said it "should be strictly construed and not extended by implication or construction beyond its terms as fairly interpreted."[68] The New York provision apparently does not apply, either, if the minor is employed in violation of a ruling by the State industrial board, as such rulings, although they are given the force of law, are not a part of the "labor law."[69]

---

the employment was illegal because, although there was no evidence that the work the boy was to do was hazardous, it had not been approved by the department of labor as "not being unduly hazardous" and also because the boy was employed without a permit. The court set aside the award of extra compensation on the ground that the employment was legal, holding that as the work was not hazardous in fact it did not need the department's approval, and also that the law did not require a permit to be obtained for any employment not specifically enumerated, and that, therefore, it was not unlawful for a carpenter to employ his son as a helper without a permit, this kind of work not being covered by the law.

[66] Calvetti et al. *v.* Gasbarri et al. (230 N. W. 130 (1930)).

[67] Hall *v.* Chatham Electric Light, Heat, & Power Co. (220 App. Div. 18, 220 N. Y. S. 226, affirmed by the Court of Appeals of New York, without opinion, 246 N. Y. 544, 159 N. E. 644 (1927)). The decision does not give the specific violation of the labor law involved, but a statement regarding this case appearing in Special Bull. 156 of the New York State Department of Labor, p. 203, refers to the violation as a failure to comply "with the labor law's general provisions relative to the safety of all employees, such as those set forth in secs. 200 and 256 of its text." Sec. 200 relates to the general duty of the employer to protect the health and safety of employees and the power of the board to make rules to carry into effect the provisions of this section. Sec. 256 relates to the guarding of machinery.

[68] Tesar *v.* National Ventilating Co. et al. (227 App. Div. 333, 237 N. Y. S. 488 (1929)).

[69] In Tesar *v.* National Ventilating Co. et al., cited above, the court declined to decide whether an employer violating a ruling of the industrial commission had violated a "provision of the labor law" and thereby incurred liability for extra compensation, on the ground that the ruling alleged to have been violated had been issued subsequent to the minor's injury. In this connection, however, it cited without comment the case of Schumer *v.* Caplin (241 N. Y. 346, 150 N. E. 139 (1925)). In that case the court of appeals had said, "A legislative declaration that a rule has the force and effect of law does not make it so, if by that is meant that it is the equivalent of or equal to a legislative enactment."

The Maryland and Missouri laws limit the cases in which extra compensation is to be paid to minors illegally employed with the employer's knowledge, but no court decisions have been found in these two States deciding what constitutes knowledge on the part of the employer under this provision. In practice, proof of the employer's actual knowledge has been required in Missouri, whereas in Maryland the extra compensation is payable if it is established that a minor under 16 was injured while employed without an employment certificate or that a minor between 16 and 18 was employed in a prohibited occupation.

Amount of extra compensation.

The amount of extra compensation payable varies considerably in the different States. In Illinois and Missouri the amount is 50 per cent of the primary compensation; in Alabama, Maryland, Michigan, New Jersey, Pennsylvania, and New York, 100 per cent; and in Wisconsin, 100 per cent for employment in violation of the permit provisions and 200 per cent for employment in violation of the minimum-age requirements, whether in general employment or in special hazardous occupations, and for employment in an occupation for which the commission has ordered that no permits shall be issued.

The Wisconsin law also specifies that if the amount recoverable for temporary disability by an illegally employed minor is less than the actual wage loss, the employer shall pay the minor an amount equal to such loss of wage, regardless of the number of days he is disabled. A minor legally employed whose disability does not exceed the waiting period provided is not entitled to receive any money compensation under the act, but a minor illegally employed is entitled to receive an amount equal to the wage loss that he has sustained. No provision is made in any other State insuring to a minor injured while employed contrary to law a minimum payment equal to his wage loss under such circumstances.

Responsibility for payment of extra amount.

Under the law in Maryland, New Jersey, New York, Pennsylvania, and Wisconsin an insurance policy undertaking to relieve the employer of the risk of the extra compensation is void, and the employer must bear the burden of the additional compensation alone, although in Wisconsin the insurance company is secondarily liable. This restricts the cost to the employer who is directly responsible for the illegal employment, instead of permitting the liability to be assumed by an insurance carrier, which in effect distributes the cost equally on all employers. This personal liability, it is argued, is likely also to cause employers to make a greater effort to comply with the requirements of the child labor laws. No provision is made in Maryland, New Jersey, New York, or Pennsylvania for full payment if the employer is insolvent. In Wisconsin, on the other hand, the insurance company is secondarily liable under such circumstances. Thus, although the employer can not avoid the personal liability if he is solvent, payment to the minor of the extra amount is nevertheless assured if he is unable to pay. In Alabama, Illinois, Missouri, and Michigan the law does not provide that a contract in an insurance policy undertaking to relieve the employer is void.

Death benefits.

In Illinois, Maryland, New Jersey, New York, Pennsylvania, and Wisconsin the extra-compensation provisions apply specifically to death benefits if the minor is killed while illegally employed. The Alabama and Missouri provisions are sufficiently broad to apply to death benefits, and according to State administrative officials they have been so interpreted. In Michigan the law does not extend to death benefits, the payment of double compensation being expressly limited by the terms of the law to the minor himself.

Special provision for protection of employers.

A means whereby the employer who, acting in good faith, employs a minor in the belief that he is of proper age for employment may be protected from liability for extra compensation is furnished by employment and age certificates. All the States providing extra compensation provide for the issuance of such certificates. All of them, except Alabama, expressly provide, also, either by the compensation laws or by the child labor law, that if a minor is employed on a properly issued employment or age certificate the certificate itself is conclusive evidence that the minor is of the age certified.[70]

INDEMNIFICATION OF ILLEGALLY EMPLOYED MINORS UNDER DIFFERENT TYPES OF LEGAL PROVISION

Is it not to the best interests of the illegally employed minor to exclude him from the compensation acts? The theory underlying this question is still sometimes defended on the ground that it may enable him to obtain through court proceedings a larger amount than he would be entitled to under the compensation act, but the known facts tend to disprove it. It presupposes that the minor is aware of his rights under the common law, that he is financially able to institute court proceedings or can find a lawyer who will serve him on a contingent basis, that he can tide himself over without financial aid during the period of delay incident to court proceedings, that he actually exercises his right to sue, and, finally, that he succeeds in collecting from his employer the amount of his judgment. It is true that in some instances large verdicts have been given by juries in suits involving the injury or death of minors illegally employed. In fact, in most of the States in which such a minor is excluded from the compensation acts he is entitled, if he sues, to a judgment for the entire damage sustained as a result of his illegal employment, as the courts in most of these States have refused to permit an employer to be relieved of liability, as he might be at common law, on the ground that the injury was due to the contributory negligence of the employee himself, or to the fault of a fellow servant, or that the employee had assumed the risks of the employment in which he was engaged.[71] Their action has been based

[70] The age certificate is made conclusive evidence of the minor's age in Illinois, Missouri, New York, Pennsylvania, and Wisconsin, and the employment certificate in Maryland, New Jersey, New York, and Pennsylvania. The employment certificate is also expressly made prima facie evidence of age in Illinois.

[71] Indiana: Inland Steel Co. *v.* Yedinak (172 Ind. 423, 87 N. E. 229 (1909)); Waverly Co. *v.* Beck (180 Ind. 523, 103 N. E. 332 (1913)); Mid-west Box Co. *v.* Hazzard (195 Ind. 608, 146 N. E. 420 (1925)).

Minnesota: Dusha *v.* Virginia and Rainy Lake Co. (145 Minn. 171, 176 N. W. 482 (1920)); Weber *v.* J. E. Barr Packing Corporation et al. (234 N. W. 682 (1931)).

on the reasoning that the legislature in passing the child labor law has established a definite policy with regard to the employment of minors and has indicated that minors lack the judgment and discretion necessary to be employed except in accordance with the rules laid down; that minors should not be charged, therefore, with the judgment and discretion necessary either to assume any of the risks incident to employment contrary to such law or to exercise the care and prudence required in such employment; also that an employer should not be permitted to avail himself of these defenses to avoid civil liability that has arisen from his own illegal act. Some of the courts have also pointed out that the defense of assumption of risk is based on the contract of employment between the employer and employee and as a minor could not make a valid contract to work in violation of the child labor act, he could not make a binding agreement to accept the risks proceeding from work with fellow servants or other risks incident to his employment.[72] The courts in these States in which the question has been before them have likewise refused to permit an employer to avoid his liability to a minor employee because it was represented to him that the minor was of legal age for the employment in which injured, the child labor law being directed against the employer, not against the child[73]; nor can this fact, according to court decision, be con-

---

Nebraska: Rookstool *v.* Cudahy Packing Co. et al. (100 Nebr. 118, 158 N. W. 440 (1916)); O'Neill *v.* Rovatsos et al. (114 Nebr. 142, 206 N. W. 752 (1925)).

Oklahoma: Curtis and Gartside Co. *v.* Pigg (39 Okla. 31, 134 Pac. 1125 (1913)). (In this case the employer attempted to rely on only one of the usual common-law defenses, namely, that the accident was due to the negligence of the minor's fellow servant, and the court held that this defense was not applicable to the case.)

Pennsylvania: Stehle et al. *v.* Jaeger Automatic Machinery Co. (220 Pa. 617, 69 Atl. 1116 (1908), 225 Pa. 348, 74 Atl. 215 (1909)); Lenahan *v.* Pittston Coal Mining Co. (218 Pa. 311, 67 Atl. 642 (1907)); Sullivan *v.* Hanover Cordage Co. (222 Pa. 40, 70 Atl. 909 (1908)).

Tennessee: In Knoxville News Co. *v.* Spitzer (152 Tenn. 614, 279 S. W. 1043 (1926)) it was held that the defenses of fellow servant and assumption of risk were not available to an employer who had violated the child labor law. See footnote 72, below, for Tennessee cases relating to the defense of contributory negligence.

Texas: Bridgeport Brick & Tile Co. *v.* Erwin (241 S. W. 247 (1922)).

Vermont: Wlock v. Fort Dummer Mills (98 Vt. 449, 129 Atl. 311 (1925)).

West Virginia: The defenses of assumption of risk and fellow service were not permitted to an employer in Norman *v.* Virginia-Pocahontas Coal Co. (68 W. Va. 405, 69 S. E 857 (1910)); Blankenship *v.* Ethel Coal Co. (69 W. Va. 74, 70 S. E. 863 (1911)). See footnote 72, below, for citation to decisions regarding defense of contributory negligence.

[72] Louisiana, Tennessee, and West Virginia employers, notwithstanding their violation of an express provision of the child labor law, have been permitted to set up the defense of contributory negligence, and in Iowa this defense as well as that of assumed risk has been allowed. The courts in these States, however, have applied the general rule that a minor is not subject to as high a standard of care as an adult, requiring the employer to establish that the minor had in fact ability to recognize the dangers and risks involved. (Flores et ux. *v.* Steeg Printing and Publishing Co., 142 La. 1068, 78 So. 119 (1918); Dalberni et ux. *v.* N. O. Can Co., 139 La. 49, 71 So. 214 (1916); Queen *v.* Dayton Coal and Iron Co. (Ltd.), 95 Tenn. 458, 32 S. W. 460 (1895); Manning *v.* American Clothing Co., 247 S. W. 103 (1922); Blankenship *v.* Ethel Coal Co., 69 W. Va. 74, 70 S. E. 863 (1911); Norman *v.* Virginia-Pocahontas Coal Co., 68 W. Va. 405, 69 S. E. 857 (1910); Griffith *v.* American Coal Co. of Allegheny County, 78 W. Va. 34, 88 S. E. 595 (1916); Honaker *v.* New River and Pocahontas Consolidated Coal Co., 71 W. Va. 177, 76 S. E. 180 (1912); Bromberg *v.* Evans Laundry Co., 134 Iowa 38, 111 N. W. 417 (1907); see also Woolf *v.* Nauman Co., 128 Iowa 261, 103 N. W. 785 (1905).)

[73] Indiana: Inland Steel Co. *v.* Yedinak (172 Ind. 423, 87 N. E. 229 (1909)).

Iowa: Sechlich *v.* Harris-Emery Co. (184 Iowa 1025, 169 N. W. 325 (1918)).

Louisiana: Alexander et al. *v.* Standard Oil Co. of Louisiana (140 La. 54, 72 So. 806 (1916)).

Minnesota: Dusha *v.* Virginia and Rainy Lake Co. (145 Minn. 171, 176 N. W. 482 (1920)).

Oklahoma: Tulsa Cotton Oil Co. *v.* Ratley (59 Okla. 45, 157 Pac. 1056 (1916)).

Pennsylvania: Krutlies *v.* Bulls Head Coal Co. (249 Pa. 162, 94 Atl. 459 (1915)); Pinter et al. *v.* James Barker (Inc.), (272 Pa. 541, 116 Atl. 498 (1922)).

Tennessee: Knoxville News Co. *v.* Spitzer (152 Tenn. 614, 279 S. W. 1043 (1926)).

Vermont: Wlock *v.* Fort Dummer Mills (98 Vt. 449, 129 Atl. 311 (1925)).

West Virginia: Norman *v.* Virginia-Pocahontas Coal Co. (68 W. Va. 405, 69 S. E. 857 (1910)); Blankenship *v.* Ethel Coal Co. (69 W. Va. 74, 70 S. E. 863 (1911)); Morrison *v.* Smith-Pocahontas Coal Co. (88 W. Va. 158, 106 S. E. 448 (1920)).

sidered in mitigating the amount of damages for which the employer is held liable.[74]

In spite of the rules of law thus evolved to safeguard the interests of those for whose special protection child-labor legislation has been enacted, few illegally employed minors have sued at law, so that employers in many instances instead of being subjected to a greater liability than is provided under the compensation laws have escaped payment entirely. This fact has been brought out by all the studies that have been made of the redress obtained by minors injured while illegally employed both in States in which such minors were covered by the compensation laws and in those in which they were not. Such studies have been made in three States in which minors were not, at least at the time of the study, included under the compensation laws, namely, by the State labor departments in Illinois and Pennsylvania prior to the enactment of their extra compensation laws,[75] and by the United States Children's Bureau in Indiana. Studies have been made also in three States in which the laws provide for additional compensation for illegally employed minors—in Illinois by the State department of labor; in New York by the State department of labor,[76] and in Wisconsin by the United States Children's Bureau.

In the inquiry made by the Children's Bureau in connection with this study in Indiana, where minors illegally employed are excluded from the compensation law, it was found that only 7 of 83 injured minors interviewed had instituted civil suits; 7 others had employed lawyers who effected a compromise agreement. Although 62 had received some indemnity or had been paid their regular wages, 44 of these minors injured in industrial accidents received no more than they would have been entitled to under the compensation act, and 20, a little less than one-fourth, received no redress whatsoever for their injuries. The study revealed general ignorance on the part of the injured minors of their rights under the law. Almost one-third stated that at the time of the accident they knew nothing whatever about the workmen's compensation law or their right to institute civil suit, and one-fourth stated that they knew only vaguely that "they ought to get something." Although the remainder were familiar with the provisions of the law as they applied to legally employed workers, only one of them was aware at the time of his injury that illegal employment affected his status under the law.

The findings have been similar in other States in which information is available as to illegally employed minors who were in the same position under the law as in Indiana. In Illinois, of 55 illegally employed minors under 16 years of age injured in industry during 1923, previous to the enactment of the amendment to the workmen's compensation law providing for additional compensation to illegally employed minors,[77] only 3 received more indemnity for their injuries

[74] Knoxville News Co. *v.* Spitzer (152 Tenn. 614, 279 S. W. 1043 (1926)).

[75] See Accidents to Employed Minors in Illinois, by Miriam Noll, pp. 17–20 (Illinois Department of Labor, Bureau of Labor Statistics, Bulletin No. 1. 1927); Labor and Industry, published by the Pennsylvania Department of Labor and Industry, for February, 1926, July, 1927, July, 1928, December, 1929, and December, 1930.

[76] See The Labor Bulletin, published by the Illinois Department of Labor, for December, 1928, December, 1929, and December, 1930; The Social Aspects of the Administration of the Double Compensation Law in New York State.

[77] The Illinois compensation law not only has been amended to include minors illegally employed, granting them extra compensation (Laws of 1927, p. 497), but a later amendment permits them to reject the act and to sue at law. (Laws of 1931, p. 576.)

than they would have received under the compensation act, and 6 at least received none.[78] The conclusions reached by the Illinois Department of Labor as to the results of excluding illegally employed minors from the compensation act are as follows:

> To sum up, the state of affairs in regard to illegally employed minors was as follows: (1) In many of the more serious injuries, no compensation was paid, the child went to court and collected damages, or he did not know his rights at common law and collected nothing. The court procedure, when resorted to, was often long drawn out and the delay in settlement was much greater than it was when the cases were settled under the compensation act. (2) In most of the less serious injuries, the provision barring such minors from receiving compensation was not effective. Most of the cases of accidents to children illegally employed belonged to the second group.
>
> A summary of the theory and actual operation, during the year studied, of the provision of the compensation act which excluded minors illegally employed from the benefits of the act is as follows:
>
> 1. In theory, all children injured in industrial accidents in Illinois were denied workmen's compensation but retained their rights to sue or settle under the common law.
>
> In practice, the present study shows that only 9.1 per cent of such children injured during 1923 had obtained settlements or verdicts in their favor under the common law as late as the summer of 1926.
>
> 2. In theory, children illegally employed received more money by retaining their rights under the common law than they would have received by being under the jurisdiction of the workmen's compensation act.
>
> In practice, at least 87.3 per cent of the children injured in 1923 who were illegally employed received either nothing or no more than the compensation act provided for workers under its jurisdiction.
>
> 3. In theory, the possibility of heavy damages kept the employer from violating the child labor law.
>
> In practice, 76.4 per cent of all children injured during 1923 while illegally employed received compensation as though they came under the workmen's compensation act. That is, in more than three-quarters of all accidents to minors illegally employed the employers were not penalized; and if the six cases in which no settlement of any kind had been made as late as 1926 are added, the proportion rises to 87.3 per cent. In only 9.1 per cent of the cases of children who were injured while working illegally did the employer have to face the possibility of suit and damages under the common law.[79]

In Pennsylvania, where illegally employed minors were, up to July 1, 1931, excluded from the compensation act, 11 of 560 illegally employed minors under 18 who were injured from July 1, 1926, to December 31, 1929, and whose injuries would otherwise have entitled them to compensation, received more than they would have been entitled to under an extra-compensation provision; 35 failed to receive anything by way of indemnity (except medical costs in a few cases), and only 4 brought suit against the employer.[80] In Pennsylvania, as in Illinois, the insurance companies in the majority of cases paid compensation to illegally employed minors on the same terms as to other injured persons. However, in 57 cases (one-tenth of the total number under consideration) the insurance company had refused to pay compensation, or the parent had refused to sign a compensation agreement, and, as in Illinois, a number of these were relatively serious cases, one of them having resulted fatally and 19 in permanent disabilities. The conclusions of the present director of the bureau of women and children of the Pennsylvania depart-

---

[78] Accidents to Employed Minors in Illinois, pp. 17–18; supplemented by correspondence with administrative officials.

[79] Accidents to Employed Minors in Illinois, pp. 18–19.

[80] Labor and Industry, published by Pennsylvania Department of Labor and Industry, for July, 1917, pp. 6, 7, 10; July, 1928, pp. 3, 5, 9; December, 1929, pp. 3–5; December, 1930, pp. 3–10.

ment of labor with reference to the operation of that law were as follows:

> The exclusion of illegally employed children from the benefits of the workmen's compensation law does not necessarily mean that the minor receives no recompense for lost time and medical expenses nor does it mean that the minor collects damages greatly in excess of the amount which would have been due through workmen's compensation. It does mean, however, that the settlement of such cases is removed from the scheduled course of action laid down by the compensation law to the highly uncertain action of civil damage suits or of the whim of the employer. * * *
>
> The present compensation status of illegally employed minors is far from satisfactory. Their exclusion from workmen's compensation benefits apparently has brought them no advantage, and certainly in some instances has brought great hardships. The theory that the exclusion of illegally employed minors from compensation would tend to encourage civil suits in which the injured minor might receive amounts larger than would be available under the compensation law has not been realized in practice.[81]

On the other hand, an analysis of the records for States whose laws provide that extra compensation be paid in the case of minors illegally employed shows that unquestionably under a well-enforced law of this type benefits accrue to minors injured when unlawfully employed. For example, all except 1 of the 962 injured minors in the Children's Bureau study of the records of all such cases occurring in Wisconsin from 1917 to 1928 had received the ordinary compensation to which they were entitled, and all except 7 had received in addition the extra indemnity due them because of their illegal employment. The fact that seven had failed to receive the extra compensation was due to inability to locate them or to other causes for which the administrative agency could not be held responsible. The average amount of compensation paid was $377.67, of which $241.58 was paid as additional compensation. Additional compensation alone paid to individual minors ran up to more than $6,000; 88 (9 per cent) of the total number received at least $500, and 54 (6 per cent) $1,000 or more. The total amount of additional compensation payable for the 962 accidents in the 10-year period was more than $200,000.

The advantages to injured minors under such a law, if it is effectively administered, are evident when comparison is made between the compensation received by those relatively seriously injured in Wisconsin and in Indiana. The studies made by the Children's Bureau showed that in Wisconsin the average total amount received in the case of minors whose injuries had proved fatal or had resulted in permanent disability or temporary disability for 28 days or more was $844.84, whereas the average amount received in the case of a corresponding group of injured minors interviewed in Indiana was $368.34. Moreover, of the 83 relatively seriously injured children in this group interviewed in Indiana 20 received no money indemnity at all, whereas in Wisconsin, as pointed out above, every injured child subject to the act, except 1, received compensation. (See pp. 97, 189.)

Similar benefits have been shown to result from the operation of similar laws in other States. In New York the recent study made by the State department of labor of the cases coming under its double

[81] Ibid., December, 1930, p. 5; December, 1929, p. 10.

compensation law from July 1, 1923, to December 31, 1928,[82] shows that a considerable number have benefited, although it is quite possible that because of differences in administrative procedure (see p. 38) a smaller proportion of the minors injured while illegally employed were discovered than in Wisconsin and a smaller proportion of those who were awarded extra compensation had been paid the additional award. The New York workmen's compensation law has relatively liberal provisions, so that those who were given extra compensation received higher total awards than in any other State, even than in Wisconsin, where treble compensation is awarded in certain cases. In New York, where only double compensation is paid, the average award in 141 cases was $1,278.77, compared with the average award of $496.64 for 308 Wisconsin cases.[83] In Illinois also, although the additional compensation is less (only 50 per cent of the normal compensation) than in Wisconsin and New York, and payment appears to be less sure, many injured minors have received a substantial award who prior to the passage of the law providing for additional compensation would probably have received little or nothing. The average award in Illinois for 39 cases was $213.52.[84]

The receipt of the additional award in New York and Illinois, the only States besides Wisconsin for which information as to the payment of the extra compensation is available, has not been so certain as in Wisconsin. In 34 (22 per cent) of 152 such cases reported as closed in New York from July 1, 1923, to December 31, 1928, the injured minor had not received the additional award at the time of the survey made by the State department of labor in 1929, and in 104 (38 per cent) of the 275 cases in Illinois from July 1, 1927, to June 30, 1931, the injured minor had not received the additional award by December, 1931. The greater success in Wisconsin is probably due in part to a more thorough system of follow up (see pp. 40, 41), and in part to the fact that the law definitely places the responsibility of paying the additional compensation upon the insurance company if the employer is unable to pay, so that it is to the insurance company's interest to see that the employer pays if possible and pays promptly. The New York law makes no provision for the payment of the award if the employer is unable to pay; the employer must bear the burden of the additional compensation alone, and any insurance policy undertaking to relieve him of this

[82] The Social Aspects of the Administration of the Double Compensation Law in New York State.

[83] Ibid., p. 78. The higher average award in New York as compared with Wisconsin is due in part to the fact that wages are higher in that State and the rate of compensation is based upon the wages received by the minor at the time of injury. In 1928, the latest year for which comparative figures are available, a weekly wage of more than $30 was received by 30 per cent of the total number of persons awarded compensation in Wisconsin, whereas 45 per cent of those awarded compensation in New York were in this wage group. Another element entering into the situation is the fact that the New York procedure in discovering cases eligible for extra compensation (see pp. 38, 39) apparently results in the inclusion of a relatively large number of more seriously injured persons. The greater liberality of the New York law is another explanation of the difference. In the New York study comparative figures are given (on p. 78) on the number and cost of extra compensation awards in New York, Wisconsin, Illinois, and New Jersey from 1924 to 1928. They show that maximum and minimum payments were higher in New York, a weekly maximum of $20 to $25 and a minimum of $8 (or actual wages, if less, for total disability) being provided for total or partial disability, whereas Wisconsin, during the period involved, fixed a weekly maximum of $18.20 to $19.50 and a weekly minimum of $6.83. The rate of compensation for total disability in New York was also slightly higher than in Wisconsin, being 66⅔ per cent of average weekly wages, whereas the Wisconsin rate was 65 per cent. (In 1931 the Wisconsin rate was increased to 70 per cent, Laws of 1931, ch. 101.)

[84] Ibid., p. 78.

liability is void. The law of Illinois does not provide that the employer alone shall be liable for the additional compensation, nor does it make void a contract to insure this liability.

In all States, however, in which provisions for increased compensation have been enacted and actively administered, they have been of positive benefit in the form of more adequate compensation for injuries received by those employed in violation of the child labor law, and they have also served as a strong incentive to the employer to comply with the law. The assessment of the excess indemnity, which the employer himself generally must pay, may amount to a much heavier penalty for violation than would result from prosecution under the provisions of the child labor laws.

ADMINISTRATION OF EXTRA COMPENSATION LAWS

In practically all the States in which provisions for the awarding of additional compensation to minors illegally employed are operative, the agency charged with the administration of the workmen's compensation law has the responsibility not only of seeing that injured minors, like all other injured persons, receive the compensation to which they are entitled because of the nature of their injuries and the length of time they are disabled, but also of determining whether or not they are entitled to extra compensation provided for under the law for minors illegally employed at the time of injury. Experience has shown that without special administrative machinery many who are entitled to extra compensation fail to receive it. Experience has shown also that because of features peculiar to the laws providing for extra compensation, such as the fact that the additional compensation is usually payable by the individual employer, and that awards in such cases frequently provide for relatively large payments, special machinery must also be established to insure that the injured minor actually receives all the compensation due him, and that it is paid to him in the form and manner most advantageous to him.

The importance of these administrative measures and the fact that the necessity for the adoption of a thoroughly effective administrative program has not been fully recognized in all the States that have passed legislation providing for extra compensation for illegally employed minors make it advisable to outline in some detail the procedure now followed in these States.

INVESTIGATIONS OF LEGALITY OF EMPLOYMENT OF INJURED MINORS

The question of legality of employment can not be determined merely by an inspection of reports of an injury sent in to the administrative agency by employer, employee, or insurance company. Although the forms used in most States in the reporting of accidents contain queries as to the injured person's occupation and the hour at which the accident occurred, facts as to whether the occupation was a prohibited one and whether the minor was employed illegal hours are not necessarily self-evident from the report. Three States—Illinois, Wisconsin, and Indiana—have included on their report forms special queries as to whether or not an employment certificate was

on file in the case of injured minors.[85] Although such queries have undoubtedly proved helpful in discovering cases of illegality, it has been found that the replies are not sufficiently accurate to render further investigation unnecessary. Thus, an analysis of illegal employment cases made by the Children's Bureau showed that in 80 per cent of the cases in Wisconsin in which the employer stated on the accident report that a permit was on file, and in 84 per cent of the cases in Indiana, certificates were in fact not on file. Another method of checking up on the injured minor's certificate status without special investigation is that now being tried in Pennsylvania, where, under the extra-compensation provision that became operative July 1, 1931, the bureau of women and children of the department of labor and industry is requiring that a copy of the employment certificate be filed with the agreement for compensation in the cases of all minors reported as under 16 years of age at the time of injury. (See p. 39.) Even information as to age calls for investigation, although in all States the form on which accidents are reported contains an entry for the age of the injured person. Again and again, however, this information has been found to be unreliable. In Wisconsin about two-thirds of the minors awarded extra compensation, and in Indiana a little more than three-fourths of those illegally employed whose ages were verified, were reported by their employers as older than they were. (See pp. 67 and 152.)

Special investigation by the administrative agency seems to be necessary, therefore, to ascertain, first, the injured minor's true age in order to know what legal restrictions, if any, the law imposed upon his employment; and, second, whether, if he was of the age for which an employment certificate is required under the law, such a certificate was on file for him at the time of injury. In many cases, investigation is necessary also to determine whether or not he was employed in an occupation prohibited for minors of his age or in violation of some other provision of the child labor law.

In most of the States in which minors injured while illegally employed are entitled to extra compensation some effort is made to ascertain the legality of employment at the time of injury of all injured persons reported as under certain ages. Only one State, Missouri, reports that no inquiry of this sort is made. In New York, inquiry is made only at the hearing which is held on all compensation cases. Efforts to ascertain legality of employment similar to that followed in most extra-compensation States have been made for some years in two States—Indiana and Pennsylvania—in which illegally employed minors are, or have been, excluded from the compensation law. In Pennsylvania since June 1, 1931, illegally employed minors have been covered by the law and are entitled to extra compensation.

---

[85] Following are the queries as to age and permit status entered on the accident report forms (those sent in by the employers) for these three States: Illinois—(12) Age (as of last birthday); (13) birth date (if under 18 years of age); (14) number of employment certificate (if injured is under 16); (15) date issued; (16) place issued; (17) for what job. Wisconsin—(9) Age (give date of birth if injured under 18); (10) sex; (11) permit on file (if injured was minor under 17) (yes or no). Indiana—(7) Age and sex of the injured employee, years, male, female, (a) If over 14 and under 16 years of age, have you on file an employment certificate issued by school authorities? Ans. ——, (b) If over 16 and under 18 years of age, have you on file an age certificate issued by school authorities? Ans. ——.

The nature and thoroughness of the investigations differ considerably from State to State. In most of the States the initial procedure, however, is very much the same. Reports of all injuries occurring to minors under certain ages are referred shortly after they are received by the agency administering the workmen's compensation law, to some special bureau or branch of the department enforcing the State child labor law for investigation. In Indiana, Pennsylvania, and Wisconsin, which have special bureaus in the State departments of labor that are responsible for the enforcement of child labor laws or for research in the field of child employment, the reports of injuries to minors are referred to these bureaus. In Illinois they are referred to the bureau of statistics and research of the State department of labor, a research agency that compiles the compensation and other statistics published by the department and that has devoted much attention to the matter of accidents to minors. In New Jersey minors' accidents are referred for investigation to the factory-inspection department of the State department of labor. In Maryland, where the child labor laws are enforced by a different State agency from that administering the workmen's compensation law, reports of injuries to minors are referred by the latter to the agency administering the child labor law, the office of the commissioner of labor and statistics. In Alabama inspectors of the State child-welfare department, which administers the child labor law, visit the workmen's compensation bureau from time to time for the purpose of obtaining information from the records regarding accidents to minors reported as under 21 years of age. In Illinois, Indiana, Michigan, Pennsylvania, and Wisconsin the practice is to refer the original accident reports; in New Jersey and Maryland, lists are furnished, giving the names of the injured minors, names and addresses of employers, and certain other information on the cases.

The ages of injured minors whose cases are investigated vary according to the State. For example, in Indiana investigation is made not only of all injured minors under 20, but also of all injured persons whose ages are not entered on the employer's first report of accident, whereas in Maryland and New Jersey only cases of injured minors reported to be under 16 are investigated. Only four of the States having extra compensation laws—Alabama, Illinois, Pennsylvania, and Wisconsin—investigate the cases of minors over the age for which employment certificates or attendance at continuation school is required, although it has been generally found that those whose ages are reported as just over employment certificate or compulsory continuation-school age are the ones most likely to have had their ages overstated. Judging from Illinois, Indiana, and Wisconsin, the only States for which information as to the accuracy of the age reported for minors found to be illegally employed is available, a large proportion of these were reported by employers as older than they were. (See above and also pp. 67 and 152.) In Indiana nearly two-fifths and in Wisconsin approximately one-half of those whose ages were overstated were reported as two or more years older.

The value of investigating the ages of those reported as over certificate age is shown by the experience in all three of these States. In Indiana, where age or employment certificates are required up

to 18 years, although almost three-fourths of those found through investigation to have been illegally employed had been represented at the time of injury as 18 years or older, only one minor had actually reached the age of 18. Similarly in Wisconsin the ages of two-thirds of the minors found to be illegally employed were given on the accident reports as 17 (the age up to which certificates are required) or older and one-fourth as 18 or older, whereas actually only 6 per cent were 17 and none was as old as 18. In Illinois, where the provisions of the child labor law extend only up to 16 years of age and a check is made as to the age of injured minors reported as under 18, 60 per cent of the minors found to be illegally employed during a 3-year period were reported to be 16 or 17 years of age whereas none was as old as 16.[86] In the same State, of 539 minors under 18 (including both legally and illegally employed) whose injuries were reported during the year 1929 and for whom proof of age was obtained, the ages of 146 (27 per cent) were incorrectly stated on the accident report, the majority being represented as older than they actually were.[87] Because the majority of violations occur among those whose ages are reported as one or two years above the legal maximum for employment certification and continuation-school attendance and the legal minimum for employment in hazardous trades, it is possible by investigating the ages of those reported as one or two years beyond the ages covered by such legislation to cover the great majority of those whose ages may have been misstated for the purpose of evading the restrictions of the child labor or compulsory continuation school law.

Marked variations appear in the methods followed in investigating violations and in the thoroughness of investigations, as well as in the upper age limit of cases investigated.

In five States—Alabama, Maryland, New Jersey, Pennsylvania, and Wisconsin—inspectors enforcing the child labor law make some investigation to check up on legality of employment. In only two States—Maryland and New Jersey—however, are all cases referred for investigation checked by means of an inspector's visit to the minor's place of employment to inquire into the nature of the work the minor was doing at the time of injury and whether or not he had an employment certificate as required by law. The fact that in these two States investigations are made only in cases of minors reported to be under 16 makes so careful an investigation of less value than would at first glance appear to be the case, as, judging from the experience in other States, a large proportion of the injured minors found to be illegally employed are ones who are reported as over work-permit age (which in Maryland and New Jersey is 16) but who are really under that age. In Pennsylvania, cases in which in the opinion of the bureau of women and children some illegality is indicated from the information on the employer's report of the injury—about 10 per cent of the injuries reported as occurring to minors under 18—are referred to the factory inspectors for investigation. In Wisconsin only injuries occurring to minors who are employed in prohibited occupations or who may have been employed

[86] The Labor Bulletin, published by the Illinois Department of Labor, for December, 1928, December, 1929, and December, 1930.
[87] Unpublished figures furnished by the Illinois State Department of Labor.

in such occupations are usually referred to inspectors of the safety department of the industrial commission for special investigation. Except for the investigations made by the factory inspectors, such checking of minors' accidents for violations of the child labor law as is undertaken is accomplished through the examination of records—chiefly records of employment certificates—and through correspondence.

Five of the nine States having extra compensation laws—Alabama, Illinois, Maryland, New Jersey, and Wisconsin—require that duplicate certificates or papers relating thereto be sent to the office of the State department enforcing the child labor law. In Indiana, also, the law makes this requirement. Duplicate certificate files are used in checking legality of employment in Alabama, Maryland, Wisconsin, and Indiana. In Wisconsin and Indiana the searching of the duplicate files is supplemented by correspondence with the employer, employee, and local certificate-issuing officer if the age or certificate status of the injured minor can not be ascertained by reference to the file of duplicate certificates. In Illinois the information relating to age and certification status is obtained largely through correspondence, although the Cook County birth records are examined. In Wisconsin a search of birth records and in Indiana a search of school census records is also made if information as to age is not available in the duplicate employment-certificate files. In Pennsylvania the checking of employment certificates is made by factory inspectors in cases referred to them for special investigation and by adjusters of the workmen's compensation bureau in certain cases (see p. 39.)

In New York every compensation case is heard before a referee of the State department of labor before a settlement is made. The types of violation that are discovered when the cases come up for hearing are chiefly those which are self-evident from the information given on the accident report, such as employment in prohibited occupations or under permit age.

As shown in the statistical tables presented in the appendix (see pp. 219–223), the most common type of legal violation usually found in cases of illegally employed minors who are injured is failure to have an employment certificate on file. The proportion of cases in which this provision was violated has been found to range, comparing the States for which the information is available, from 98 per cent in Indiana to 35 per cent in New York. (See Table III, appendix p. 221.) On the other hand, New York has the largest proportion reported as employed in violation of the prohibited-occupation clause only of the child labor law—42 per cent as compared with 12 per cent in Illinois, 10 per cent in Wisconsin, and 2 per cent in Indiana. In a study of accidents to working minors in Ohio, made by the Consumers' League of Ohio,[88] it is pointed out that less than half of 378 investigated cases among the 563 compensable accidents occurring to minors under 18 in the period covered by the study, the first nine months of 1926, had proper certificates on file. Although no special investigation of the nature of the employment at the time of injury was possible in connection with this inquiry, information

[88] Accidents to Working Children of Ohio, published by the Consumers' League of Ohio, pp. 28, 36. Cleveland, 1927.

as to occupation, more or less complete, showed that in 37 (or 7 per cent) of 496 cases the minor was employed in an occupation prohibited by the Ohio child labor law.

Following is a description of the procedure followed in investigating legality of employment in the States having laws providing additional compensation for minors illegally employed, and also in Indiana.

Alabama.

The following program for investigating minors' injuries for the purpose of determining legality of employment has been put into operation following the passage of the Alabama extra-compensation amendment, which became effective July 6, 1931. This law provides that extra compensation shall be paid in the case of minor employees who at the time of the injury are employed in violation of the law regulating their employment.

As reports of accidents are received by the Alabama Workmen's Compensation Bureau (see p. 43), special inquiry is made with reference to the legality of the employment of all minors under 18. First, the clerk of the bureau immediately sends to the employer a form letter in which is inserted an inquiry in the case of minors reported as 17 years old as to their date of birth and in the case of minors reported under 17 years of age as to their date of birth and the legality of their employment. If the answer to these questions indicates that the child is entitled to double compensation, the bureau so notifies the insurance company, or the employer if he is a self-insurer (see p. 43).

In addition, it is the intention of the Alabama Child Welfare Department, which administers the State child labor law, to make a personal investigation of each such accident.[89] An inspector of the department visits the workmen's compensation bureau at least twice a month and transcribes from the reports of all accidents occurring to minors under 21 the names and addresses of employer and employee, cause and nature of the injury, duration of the disability, and amount of compensation paid.[90] The information for minors of 19 and 20 years of age is used for statistical purposes only. For the injured minors of 16 years of age and under search is made of the duplicate employment certificates sent to the child-welfare department.

No further action is taken in the case of minors reported as 17 or 18 years of age, or as 16 and under for whom a certificate is on file,[91] until the inspector visits the place of employment in the course of her regular inspections. At that time inquiry is made in the cases of all injured minors as to the cause of the accident and what has been done to avoid similar accidents. The minor is interviewed to ascertain his physical condition and, if he has been reported as 17 or 18, to establish his age. The same evidence is required in

[89] For some time prior to the passage of the additional-compensation provision, this department obtained from the workmen's compensation bureau information regarding accidents to minors under 18 and made similar investigations.

[90] In cases in which this information as to duration of disability and amount of compensation paid is not entered on the original accident report, it is added to the child welfare department's record of the case later, after it has been reported to the workmen's compensation bureau.

[91] Employment certificates are required for minors between 14 and 16; age certificates, for minors of 16.

establishing age as is used when certificates are issued; that is, birth record, baptismal record, Bible record, insurance policy, or school record and affidavit in the order stated. Inquiries are made as to the settlement of compensation claims and if there is any irregularity it is reported to the compensation bureau.

In the case of a minor reported as 16 or younger for whom no duplicate certificate is on file, the action taken depends upon whether the inspector will be able to go to the place of employment within a month's time. If she will be unable to do so, a letter is written the employer, setting forth the legal requirements for the employment of children, stating that no duplicate certificate is on file at the department office, asking whether the employer had a certificate and, if not, for an explanation of the fact, and instructing the employer to send the minor to the local issuing officer. Copies of this letter are sent to the issuing officer and county child-welfare superintendent or city attendance supervisor. If the inspector can go to the city where the child was injured within the next month, no letters are written. Upon reaching the city, she talks first with the issuing officer and county child-welfare superintendent or city attendance supervisor and then goes to the place of employment. She informs the employer that she has had a report of the accident, that no certificate is on file, and asks for an explanation of the illegality of employment. She interviews the minor and, if possible, his parents. If the minor is found to be under 17, as reported, the employer is given an order from the commission to obtain a certificate for him. Inquiry is also made as to the cause of the accident and what has been done to avoid similar accidents, as is also done in all other cases.

Illinois.

In Illinois, where the extra compensation law applies in the case of minors under 16 who are injured while illegally employed, all cases of injured minors under 18 are investigated with a view to determining whether or not they were illegally employed at the time of the accident. As the provisions of the child labor law relating to prohibited occupations, employment certificates, and hours of labor apply to minors up to the age of 16 only, and the compulsory continuation school law does not apply anywhere in the State after the child reaches 17, it is felt that by investigating all cases of minors whose ages are reported as under 18, practically all those who are actually under 16 will be discovered.

Illinois is one of the few States in which the form on which accidents are reported has a number of entries that are intended especially to bring out the facts as to the age and certification status of injured minors. Not only is there the usual query as to the age of the injured person, but also a query as to the date of birth to be answered for all injured employees under 18 years of age. In addition, four queries relative to employment certification are to be answered in the case of all injured persons under 16: (1) Certificate number, (2) date of issuance, (3) place of issuance, and (4) job for which issued. In most cases these queries relating to date of birth and certificate status on the accident reports are not answered, however, and State officials do not believe that they help very much in the enforcement of the law.

As soon as accident reports are received and indexed in the bureau of statistics and research of the State department of labor, those of minors whose ages are reported as under 18 years are sorted out and certain information relating to them is entered on special cards and filed in this bureau. The bureau then proceeds to investigate the actual age and legality of the employment of these injured minors. Although the child labor law of Illinois requires that duplicates of all employment certificates issued be sent to the State department of labor, officials of the bureau of statistics and research state it to be their belief that duplicates of only a very small proportion of the certificates issued are actually sent in to the department and that many of those that are received are much delayed in coming in. It is not thought practicable, therefore, to make use of these duplicates in verifying age and ascertaining legality of employment. In the case of minors reported as 16 or 17 years old, which is above employment-certificate age, letters are written to the minors themselves, asking them to submit birth records or other acceptable evidence of age. In addition, the county birth records are examined for all minors reported as born in Cook County. In the case of all minors in occupations for which certificates are required [92] who are reported as under 16, or who are, through correspondence or in some other way, found to be actually under 16, a letter is sent to the employment certificate issuing authorities in the towns in which they live asking if they have been legally certificated for the employment in which the injury occurred. In the case of minors for whom no birth or baptismal records or other more acceptable proof of age can be obtained, the bureau asks the school authorities for evidence of age as contained in school records. The accident reports are also examined for other evidence of illegality, such as employment in prohibited occupations or in violation of the laws relating to hours of labor or night work. For some time serious accidents and since early in 1931 all cases of injuries to illegally employed minors have been referred for investigation to the division of factory inspection of the department.

Maryland.

The Maryland workmen's compensation act requires payment of extra compensation if the minor is illegally employed with the knowledge of the employer, and under the practice of the commission the burden of proving that the child was legally employed is on the employer. An employer is considered to have had knowledge of the illegal employment and is held liable if it appears that the child was in fact working without the required certificate or at a prohibited occupation.

Claims for compensation are filed by employees with the Maryland Industrial Accident Commission,[93] which sends the names of injured children reported to be under 16 years of age to the office of the Maryland commissioner of labor and statistics for investigation. This is the State agency responsible for the enforcement of the child labor law through the issuance of employment certificates and industrial inspections. As soon as an accident is reported to the

[92] Certificates are not required by law for golf caddies, newsboys, or farm workers.
[93] Although Maryland employers are required to file reports of accidents, Maryland is one of the States in which the injured person must file a claim for compensation before any action is taken by the industrial accident commission.

commissioner of labor and statistics, an inspector is sent to the place of employment to discover whether the child was employed in violation of any provision of the child labor law, and the certificate records are searched for information regarding the certificate status of the child. After investigation the commissioner of labor and statistics makes a report as to the legality of the child's employment to the State industrial accident commission.

According to information furnished by the commissioner of labor and statistics, of 32 cases [94] of injuries occurring during the year 1929 referred to his office, 2 occurred to children who were found to be working without having obtained the necessary employment certificates, and 2 children who had obtained employment certificates were engaged in occupations other than those recorded on the certificate. For 1930, of 19 cases [94] of injuries referred to the commissioner of labor and statistics for investigation 1 was found to have occurred to a child who was working without a certificate and 3 others to children who had obtained certificates but were engaged in occupations other than those for which the certificates were issued.

Names of injured minors reported as 16 years of age and over are not sent to the commissioner of labor and statistics for investigation as to the legality of their employment, although the extra-compensation provision of the Maryland law applies to all minors illegally employed, and the child labor law prohibits the employment of minors between 16 and 18 years of age in certain hazardous occupations. Minors of these ages, however, have been awarded extra compensation when the fact of such prohibited employment has appeared in the course of hearings before the industrial accident commission.

Michigan.

Under the Michigan workmen's compensation law, extra compensation is to be paid to any minor under 18 whose employment at the time of the injury is illegal. All reports of accidents to minors under this age are specially examined when received in the Michigan Department of Labor and Industry to determine whether or not the minor is employed in violation of the State child labor law. No attempt is made to investigate cases if the age is reported as 18 or over, although minors are required to obtain employment certificates and to attend continuation school (where established) and their employment in a number of occupations is prohibited up to 18 years of age. Accident reports are checked only for violation of the minimum age law and the laws or department rulings relative to dangerous occupations and apparently, at least in some cases, for violations of the laws relating to hours of labor. No attempt is made to ascertain whether or not the minors had an employment certificate on file, and cases of injuries to minors are not made the subject of investigation by factory inspectors as is done in some States.

[94] The Maryland Industrial Accident Commission, however, reports 84 claims allowed for minors under 16 in the year ending October 31, 1929, and 66 in the year ending October 31, 1930, thus indicating that not all cases where claims were filed during these intervals by minors reported as under 16 were sent for investigation to the commissioner of labor and statistics. A change during the year 1931 in the general procedure of reporting cases to the office of the commissioner of labor and statistics is said to be producing more effective results.

New Jersey.

In New Jersey extra compensation is payable if the injured employee is at the time of the injury between 14 and 16 and is working without the employment certificate required or at an occupation prohibited by the labor law or is under 14 and is employed under conditions illegal for minors under this age. As the reports of industrial injuries are received by the State department of labor all cases of injuries to minors reported as under 16 are referred for investigation to the factory inspector assigned to the district in which the accident occurred. In order to determine whether or not there had been any violation of the child labor law, the inspector visits the place of the child's employment and inquires as to the nature of the work he was doing at the time of injury and his hours of labor, and as to whether or not an age and schooling certificate was filed with the employer as required by law. Although the "original papers" upon which employment certificates are granted throughout the State must be sent for approval to the State department of labor, and information as to whether a certificate has been issued is filed in the Trenton office of the bureau of women and children of the department, checking of reports of injuries to minors under 16 with these files is not a routine procedure, dependence being placed on the inspector's investigation to determine whether there was a certificate violation. The information obtained through inspectors' investigations is then referred to the workmen's compensation bureau of the department to use as a basis for determining the amount of compensation to which the child is legally entitled.

No investigation is made in the case of injured minors reported as 16 or over. It will be recalled that the hours of labor, the employment certificate, and the continuation-school attendance provisions of the New Jersey child labor law apply until the child reaches 16. Employment in a number of occupations is prohibited up to this age. It is, therefore, the ages just above 16 that are most likely to be reported by the younger children wishing to avoid these restrictions. As no check is made of those reported to be just above 16, some illegally employed minors who are under 16 in fact, and who are entitled to extra compensation, may not, and doubtless do not, receive the benefits of the act.[95]

New York.

Extra compensation is payable under the New York act if the injured employee at the time of the injury is under 18 years of age and is working in violation of any provision of the labor law. No investigation similar to that made in most of the States in which the law provides for the payment of extra compensation to minors is made in New York prior to the time their cases come up for hearing. New York, however, is the only State in which no compensation case can be settled without a hearing before a referee, and at this hearing an opportunity is afforded for inquiry into the matter of the legality of employment in the case of injured minors. This machinery is undoubtedly effective in many cases in ascertaining the facts with reference to the employment of minors in prohibited

[95] See the experiences of Illinois (p. 35) and Wisconsin (p. 40) on this point.

occupations or at illegal hours, but the facts as to age and certificate status can not always be brought out without recourse to documents; and this, experience has shown, may require a lengthy investigation involving considerable correspondence and outside interviews. The much smaller proportion of minors found to be illegally employed in New York compared with other States for which comparable information is available, 1 per cent in New York as compared with 5 per cent in Pennsylvania and 20 per cent in Wisconsin, may be, at least in part, due to the fact that in New York no attempt is made to check the ages and certificate status of all injured minors under certain ages as in other States.[96]

Pennsylvania.

Only since July 1, 1931, has the Pennsylvania act provided extra compensation in the case of a minor under 18 years of age who at the time of the injury is working in violation of the laws regulating the employment of such minors, but since July 1, 1926, all reports of injuries to minors under 18 have been referred to the bureau of women and children of the department of labor and industry shortly after they are received in the bureau of workmen's compensation of the department. If, in the opinion of the bureau of women and children, any illegality or other irregularity is indicated on the accident report, the essential information regarding each case is copied from the report on a special card and the cases are referred to the bureau of inspection of the department for investigation as to the adequacy of the proof of age, the legality of occupation and certificate status, and recommendation for such legal action under the child labor law as the facts warrant. The bureau of inspection then sends to the plant where the accident occurred an inspector who inquires as to the machine or process at which the minor was working when injured, interviews the person in charge of the plant and, in most cases, the minor also, and ascertains whether or not the employer had the required employment certificate or age card on file. The inspector's report on each case includes also a recommendation as to whether or not the employer should be prosecuted for violation of the child labor law, and this report is considered before legal action on this point is initiated by the bureau of inspection. In addition, the bureau of inspection reports the result of its investigation to the bureau of women and children; and if the report reveals any illegality, the latter calls the attention of the bureau of workmen's compensation to the facts of the case.

---

[96] Among the recommendations made by the division of women in industry of the New York Department of Labor in its report on The Social Aspects of the Administration of the Double Compensation Law in New York State (Special Bull. No. 168, May, 1931, pp. 84–85) with regard to changes in procedure for the purpose of increasing the effectiveness of the law is that in the New York City compensation district a special minors' calendar be established. "* * * A number of concrete reforms and improvements might be brought about by the establishment of such a calendar. All cases would be considered as possible double-compensation cases, and the double award would be made wherever there was a violation of the labor law. The procedure might then be made to provide for the submission of legal proof of age, and an inquiry in each case as to whether or not the child has legal working papers, was working illegal hours, or in an illegal occupation. * * * Illinois and Wisconsin check all cases of compensated accidents to minors for illegal employment and for liability for double compensation. The establishment of a minor's calendar in the New York City district would eliminate the necessity for this subsequent investigation because the machinery of the calendar would uncover all cases of illegal employment. In the up-State districts, however, where the establishment of a special minor's calendar might be impracticable, the introduction of this method (that followed in Illinois and Wisconsin) would insure the discovery of cases where the age of the injured child has been incorrectly reported."

The cases thus referred to the bureau of inspection by the bureau of women and children for investigation constitute only about one-tenth of the total number of cases of injuries to minors under 18 occurring each year. Information regarding the age or certificate status of all injured minors, however, is obtained by the bureau of workmen's compensation. This bureau requires a copy of the employment certificate to be filed with the compensation agreement in all cases involving minors under 16 years of age. If no employment certificate is filed, a compensation adjustor is sent out to investigate the case. The bureau also makes a check on the accuracy of age as given in the accident report filed for minors of 16, 17, and 18 years of age. This check is made by sending a form letter to certificate-issuing officers asking that the issuing officer verify the age of the minor, if an employment certificate or age card has been issued to the minor, and also enter in the blanks provided for this purpose the minor's birth date and the number of the employment certificate or age certificate, if any, issued for this employment. In addition, a form letter is sent to the employer asking for substantially the same information, and the minor is requested by letter to send in the date of his birth.

Wisconsin.

The Wisconsin extra-compensation provision applies if the minor at the time of the injury is (1) under permit age and illegally employed, (2) of permit age or over and working at prohibited employment, and (3) of permit age and working without a permit or at employment for which the commission has ruled that no permits shall be issued.

Shortly after reports of injuries to persons under 19 years of age are sent to the Wisconsin Industrial Commission, they are referred for verification of age and checking as to legality of employment to the child-labor department of the commission, which is responsible for the administration of the State child labor law. During the first few years after the extra compensation law became operative in 1917, the practice was to verify the ages of all injured workers under 21. The checking of the ages of those reported to be between 19 and 21, however, was discontinued some years ago, because of the amount of time it required and because the ages of relatively few minors who were reported as 19 or over were found to have been overstated. Under the Wisconsin child labor law 19 is three years above the age up to which the hours of labor provisions of the child labor law apply, two years above the age limit for employment certificates, and one year above the age under which most hazardous occupations are in general prohibited and attendance at continuation school required.

The duplicate copies of all work permits and age certificates issued in Wisconsin, which the law requires to be sent to the industrial commission, are filed with the child-labor department of the commission. The first step in the investigation of the legality of the employment of injured minors by this department consists in a canvass of these records. In Wisconsin the issuance of certificates throughout the State is under the authority of the industrial commission and the work is very carefully supervised; in consequence the certificate records on file in the office of the commission are

unusually complete. For this reason in most cases a search of the duplicate certificate records gives the necessary information as to the child's age or certificate status. If the records do not yield the facts needed as to these points, form letters are sent to both the employer and the injured minor asking for information as to the age of the minor and the nature of the documentary evidence on which the statement of age on the accident report was based. The employer is also asked whether or not he had a permit on file for the minor. In Wisconsin, as in Illinois and Indiana, a query as to whether a certificate was on file is printed on the form on which the employer reports the accident to the industrial commission (see p. 66). and the employer is also asked to give the date of birth for all injured persons whose ages are reported as under 18. If no duplicate certificate is found and the employer has reported that he had a certificate on file, a letter is sent him to obtain further information regarding the certification status of the minor. If the minor's certification status remains in doubt, letters are frequently sent to the local certificate-issuing officer. If the desired information as to the minor's age is not obtained through this correspondence, a request is made of the State or county health departments that they search the birth records. If all these efforts fail, inquiry is made of the school or church authorities, or other persons in the locality where the child was injured, in a further effort to obtain the correct date of birth. The commission states that cases are rare in which a reliable proof of age can not be discovered.

Injuries that appear to have occurred to minors employed in prohibited occupations are usually referred to the inspectors of the safety and sanitation department of the industrial commission for special investigation. In such cases the inspector may also make local inquiries as to the employee's actual age and certificate status. In addition to the investigation of these specially referred cases in which illegal occupation is suspected, all cases of severe injuries both to adults and to minors are investigated by the safety and sanitation department to determine the cause of the accident, the character of the occupation, and if easily ascertainable, the age of the injured person.

Indiana.

Illegally employed minors are not covered by the benefits of the present Indiana compensation act. The law enacted in 1923 and since repealed, however, provided extra compensation for injuries to them. The industrial board still makes the same investigation of reported accidents to establish legality of employment inaugurated under extra compensation. The form on which accidents are reported by employers in Indiana, as in Illinois and Wisconsin, contains a query as to whether minors of "employment-certificate" age (between 14 and 16) or of "age-certificate" age (between 16 and 18) had the required certificates on file.

Reports of all acidents, after they have been numbered and indexed in the compensation department of the State industrial board, are referred to the department of women and children, also under the industrial board, which is responsible for the enforcement of the State child labor law. This department investigates the legality of employment of all minors reported as under 20. This is two years

above the age up to which the employment of minors is regulated by law by the requirement of employment or age certificates and of attendance at continuation schools and by the prohibition of work in certain hazardous employments.

Duplicate copies of all employment certificates or certificates of age issued throughout the State must be sent to the industrial board of Indiana by local issuing officers, and these certificates are kept on file in the department of women and children. Daily, as the accident reports come in, all those in which the age of the injured person is reported as under 20 are checked with this file for verification of age and certification status. If no duplicate certificate is found, a letter is written the issuing officer in the town in which the injured minor lives, and an attempt is made to verify his age through the records of the school census, which is taken annually throughout the State and covers all persons under 21. If the school census records yield no information, no further effort is made to verify the age. In cases in which the industrial board can not find a certificate on file, and in which the employer fails to state in the accident report whether or not he has a certificate for the injured employee on file, or if he states that he has none, regardless of whether or not a certificate is found in the files of the board or the age verified, a letter is written to the employer stating that the child was employed in violation of the law, calling his attention to the provisions of the law, and ordering him to comply with them and notify the board that he has done so. If he has the certificate and has merely failed to state the fact, this gives him the opportunity to produce it. If he states that he had the certificate and no duplicate is found in the industrial board he is requested to forward the name of the issuing officer so that the duplicate, which should be on file in the department of women and children, may be located. Furthermore, in all instances in which the age of the injured workman has been omitted from an accident report the department of women and children writes the employer asking for this information and if an injured employee is reported to be under 20 years of age the age is verified in the usual manner. Occasionally, as when a boy has moved from the town in which his certificate was issued, this information is forthcoming, but usually the employer admits himself in error or fails to reply to the request, which is, in itself, regarded as sufficient evidence to discredit his original statement.

The accident reports are also examined in the office of the department of women and children for other violations of the law—that is, prohibited occupations, night work, and so forth—but no special investigations are made in Indiana by the factory inspectors in cases in which the employment of children in prohibited occupations is indicated.

After the completion of this investigation a memorandum is attached to the accident report calling attention to any illegality of employment and the report returned to the compensation department.

PROCEDURE IN OBTAINING PAYMENT OF EXTRA COMPENSATION

In most of the States in which the workmen's compensation law provides for the payment of additional compensation, the law requires that this payment be made by the employer. Usually it has

been found more difficult to obtain the payment of this additional sum from the employer than the payment of primary compensation, which is usually paid by the insurance company. This study indicates that the extent to which the extra compensation is paid depends largely upon the procedure followed by the administrative agency, which in turn may also depend to some extent upon the general authority given the administrative agency on its own initiative to take action in cases in which the employee has not filed a claim or requested a hearing.[97] According to information available considerable variation exists in the extent to which the administrative agency follows up the matter of payment in such cases. In some States the agency appears to limit its responsibility merely to checking the agreement of settlement between employer and employee and refusing to give the necessary official approval to this agreement if it does not provide for the additional compensation. In a few States, however, the administrative agency as soon as it has evidence of illegality, without waiting for the agreement to come in, notifies the employer of his obligation under the law. In at least one State, Wisconsin, it follows up the matter in all cases except those in which formal award is entered by the commission until payment is made. (See p. 73.) A somewhat similar procedure was formerly followed in Illinois.

Alabama.

The Alabama workmen's compensation law is weaker in its administrative provisions than that of most States in that it does not provide that all claims for compensation must be submitted to a central administrative board or commission and that all settlements be approved by it. It does provide, however, for an office, known as the workmen's compensation bureau, with which must be filed reports of all industrial accidents and settlements for compensation and reports of all cases taken to court. A bureau with such limited powers, all the work of which is handled by one clerk, can not, of course, follow up all cases and insure prompt and full payments as can the boards and commissions of some other States. Cases in which double compensation is due are, however, brought to the attention of the insurance companies[98] or the employer if self-insured by the clerk of the bureau, who also examines the settlement reports in such cases with a view to determining whether or not the extra compensation has been paid. The bureau has no legal authority, however, to see that compensation is in fact paid. Although no case has occurred, as yet, in which liability has not been insured or in which the carrier has refused to pay, it is stated that if such a case should come up the clerk would notify the child of his right to pro-

[97] Among the 9 States providing extra compensation for illegally employed minors Wisconsin, New Jersey, and Michigan are the only ones in which any such power is given to the administrative agency by specific provision. In New York in practice the same result is reached as hearings are held and awards are made in all cases, and all double-compensation cases are followed up; if payment is not made within 30 days, they are referred to the legal department for collection. (The Social Aspects of the Administration of the Double Compensation Law in New York State, p. 77.) In Maryland, although there is no specific provision, once the minor has filed claim for compensation under the rules of practice adopted by the commission, notice is given to the employer of the claim and he is told that an order for compensation will be issued on a certain day unless he requests a hearing.

[98] Apparently the insurance companies may insure and become liable for the extra compensation, since the law does not provide that the employer shall alone be liable for the additional amount.

ceed at court and would also notify the child-welfare department of the case in order that inspectors of the department might also advise the child or his parents.

Illinois.

The procedure formerly followed in Illinois, when the facts indicated the illegal employment of an injured minor, was for the bureau of statistics and research to send a letter, in which was inclosed a copy of the State child labor law, to the employer asking for the payment of the 50 per cent additional compensation required by law. Copies of this letter were sent to the insurance company and to the injured minor. If the employer did not respond to the second or third requests for payment, the child was informed that he might file a claim with the industrial commission; or if he lived in Chicago, that he might go to the legal aid bureau of the Chicago United Charities for advice. The Industrial Commission of Illinois having no authority to collect the extra compensation itself, the most it could do was to report the case to the attorney general for prosecution. The bureau has discontinued the correspondence described above, and at the present time there is no follow up of such cases to see that extra compensation is paid.

Maryland.

If a minor under 16 has been reported by the office of the commissioner of labor and statistics to have been employed at the time of the injury without a certificate or at an occupation other than that for which his certificate was issued, the industrial accident commission sends a letter to his employer stating that unless proof is furnished that he was legally employed or unless a request for a hearing is received by a certain day, an order requiring the employer to pay double compensation will be issued on that day. A disputed case may, at the employer's or the employee's request, be set down for hearing. The case is then heard and the commission makes its determination after due consideration of the testimony presented.

As no investigation is made regarding the legality of employment of minors between 16 and 18 (see p. 37), extra compensation is awarded in such cases only if it develops at a hearing that the minor has been employed at a prohibited occupation.

Michigan.

In cases in which violations are found, letters are sent the employer asking for a "full and complete statement" of the facts in connection with the case, in order that the commission may determine whether or not the injured employee is entitled to double compensation. If it is found that the occupation is illegal, an agreement for double compensation is demanded; and if refused, the case is set for hearing before one of the deputy commissioners in order that the facts may be determined. In cases in which an agreement for compensation is approved or an award is made requiring double compensation, the department of labor and industry checks receipts for compensation as they come in to see that the payments are actually made in accordance with the terms of the agreement or award and writes insurance carriers or employers if receipts for payments are not received or adequate payment is not made.

Missouri.

Double compensation has not up to the present time been awarded in Missouri, so that no procedure has been developed to obtain payment from employers in such cases.

New Jersey.

The bureau of women and children of the State department of labor takes up with the employer the cases of minors injured while illegally employed and issues orders for the correction of the violations noted. The department reports that some employers have been prosecuted for violations of the child labor law in cases in which children have been injured while illegally employed. The workmen's compensation bureau advises the employer with reference to the amount of additional compensation due the injured minor and follows up the case until this is paid. If liability is questioned, a hearing, formal or informal, may be had at the request of either party, after which a decision is made.

New York.

Up to the year 1929 no special procedure had been followed by the New York State Department of Labor in insuring the payment of extra compensation. In the study of extra compensation recently made by the department it was found that of the 152 cases in which employers were liable for the payment of extra compensation 34 employees had not received the additional amounts due them. As a result of this study a routine was established under which letters are sent to employers in all cases in which the award is not paid within 30 days, the legal time limit for filing an appeal. If the employer still fails to pay, the case is turned over to the legal department for collection. In commenting on this procedure the report states:

> The present procedure is an improvement, but it is not entirely satisfactory. No effort is made to collect the award by means of visits to employers as could be done in many cases. Long delays may occur after the case has been referred to the legal department.[99]

In this New York study, an effort was made to ascertain the reasons for nonpayment and also to collect the extra compensation in as many cases as possible. Some action was taken in 13 cases. Eight of these cases involved only small amounts for which payment in full was made at once. In 3 other cases involving larger amounts installment payments were agreed to, and two employers are known to have begun making small weekly payments. In the 2 remaining cases judgments were issued against the employer.

Pennsylvania.

Wherever it is found that injured minors were at the time of injury employed in violation of any provision of the child labor law, adjusters are sent out by the bureau of workmen's compensation of the State department of labor to investigate the case and obtain a settlement for additional compensation as provided by the act. If the employer refuses to sign an agreement for the additional compensation, the minor and his parents or guardian are informed of their rights and advised to file a claim petition, which brings the matter before a referee who considers the claim and either grants

[99] The Social Aspects of the Administration of the Double Compensation Law in New York State, p. 77.

an award or dismisses the claim. If the minor for any reason fails to file a claim petition, the department can go no further in obtaining the payment of additional compensation as the Pennsylvania act contains no provision permitting the department to initiate upon its own motion a formal inquiry into the matter and to determine the facts and make awards as it may do upon application of either party.

The bureau of workmen's compensation gives the bureau of women and children a report of the final settlement of all cases that have been referred to it as cases of illegal employment.

Wisconsin.

In Wisconsin when the child-labor department of the industrial commission, which makes the investigation as to legality, finds that the injured minor is entitled to extra compensation, a letter is sent to the employer in which the law is quoted and his responsibility for the extra payment is explained. Except in cases in which the commission enters a formal award it continues to follow up the case until payment is made. In all such cases the commission requires the injured minor to sign a release, distinct from that filed for the primary compensation paid by the insurance company, stating that he has received from his employer the specified sum due him under the extra compensation law, and the case is closed only when the commission has received receipts for both the primary and the extra compensation. In the vast majority of cases, the extra compensation is paid and the receipts filed promptly after the employer is notified of his liability. When an award is entered in disputed cases, the minor is almost always represented by an attorney, who sees to it that the award is collected. If the employer does not pay, the insurance company is liable for the extra compensation. Cases in which both the employer and the insurance company lack funds to pay are very rare. If the employer is unusually delinquent in paying, or has been a frequent and flagrant offender of the child labor law, prosecution under the child labor law may be started, but this has been found necessary in very few cases, and the commission is of the opinion that in most cases the penalty imposed on the employer by the payment of the extra compensation is sufficient to serve as a deterrent to future violations of the law. (For further details, see pp. 71–76.)

MEASURES FOR CONSERVING EXTRA-COMPENSATION FUNDS PAID TO MINORS

When the law provides for the payment of double or treble compensation for injuries to illegally employed minors the amount of compensation may be large. If the additional amount as well as the primary compensation is paid to the minor in the form of weekly payments, it may, especially in cases of permanent and other serious disabilities, amount to considerably more than the wages the minor was receiving at the time of injury or than he is likely to receive when he returns to work, and considerably more than may be necessary for his support in the manner in which he has been accustomed to live. The temptation to persons of the immaturity of most injured minors to waste the money, and frequently the temptation to the parents to spend the money other than in a way to benefit

the minor himself, is very great. One State, Wisconsin, frequently follows the practice when the awards are considerable, especially in the case of minors permanently disabled, of placing in trust until the minor is 21, or even older in some cases, the entire amount of the additional award, and sometimes also all or part of the primary compensation as well, permitting no payment of interest or capital except with the approval of the State industrial commission. (For further details, see pp. 76–79.) In other cases the commission orders the total amount of compensation due to be paid to a guardian appointed by the court who is charged with the responsibility of seeing that the money is properly spent or invested until the minor reaches his majority. The money is thus saved until a time when the injured minor is capable of using it to better advantage than during his minority, or all or part of it is used to procure education or training.

What may happen when the minors' compensation funds are not protected in this way is shown by a recent study of the operation of the extra compensation law in New York, where compensation payments are relatively high and are usually made on a weekly basis. In this study it was found that few, even of the minors who were permanently injured and who had been awarded large amounts of compensation, had saved a substantial part of their compensation or had spent it for education or in other profitable ways. In this New York study information was obtained from 145 children who had received a total of $134,590.26 as to how they used their money. The findings of this investigation are as follows:[1]

Four out of five children who sustained permanent partial disabilities spent some part of their compensation on living expenses. The total thus expended equaled 52 per cent of the amount received. Half of the 68 permanently injured children who made some expenditure for current living expenses disposed of all or practically all (at least 85 per cent) of their compensation in this way. Eight of these children had had very serious injuries. * * * Yet at the time these children were interviewed they had spent practically their entire awards for living expenses without making any provision for the future. One boy, whose right index finger had been amputated, turned the whole award over to his mother. * * *

Only seven boys and girls who were permanently injured used any of their compensation for vocational training at a total cost of less than $400. * * *

The parents of eight minors availed themselves of the compensation money to purchase a house or to pay taxes and assessments on property which they owned. The total spent was $14,831.56, or 11 per cent of all compensation received by the children who had permanent partial injuries. * * * In only one case did the parents "borrow" the money. The others assumed, as a matter of course, that it might be used for the welfare of the family group. The parents of one Italian boy in New York City appropriated the entire award to pay off a mortgage on the 3-family house which they owned at the time of the accident and to purchase another house. This boy had had four fingers of his left hand amputated, and although his parents have supported him since the accident, none of the money has been definitely set apart for securing his future. Another boy up-State, who had been awarded 90 per cent loss of use of his arm, had consumed part of his compensation in living expenses, in buying an automobile, and in pleasure trips. His mother invested more than half of the $8,232 received in a 2-family house. * * *

Six children used part of their awards as business investments or loans. Three boys, who had had very serious injuries and had lost from 60 to nearly 100 per cent of their hands, invested part of the compensation money in a

[1] The Social Aspects of the Administration of the Double Compensation Law in New York State, pp. 51–54, 85–86.

business. One started a restaurant, another purchased an interest in a dress shop, and the third financed his venture in vaudeville. All three were unsuccessful. Two boys loaned some of their compensation money to their families and the sixth spent part of his award for necessary expenses in connection with his work as pianist in an orchestra.

Four children spent $1,425.86 to purchase automobiles. * * *

Forty-one, or only half of the permanently injured minors reporting, had any savings at the time of the interview; their savings amounted to only 29 per cent of the total which the group had received. The sum saved by 12 boys and girls was quite small and must be regarded as chance temporary savings which would soon be consumed for living expenses, clothes, or possibly a pleasure trip. * * *

Some of these children and also some of those who spent everything on living expenses had begun by saving the compensation payments, but only 29 had been able to save a substantial part of their awards. Twenty-one of the twenty-nine children had saved half or more than half of the compensation received, and were chiefly responsible for the total of $37,304.15. Six minors had saved the entire amount received. Some of the savings were due to the initiative of the parents, some to the children themselves. Apparently the families of these 29 minors had a greater sense of responsibility and consideration for the future needs of their childen than the majority of the families.

However, few children or their families had definite plans for the use of the money which they were saving. It was merely kept on deposit in a savings bank, or in some cases was invested in stocks or bonds. When the purpose of the saving was expressly stated, it was most frequently for some future emergency such as unemployment or illness. * * * Five boys intended to use their compensation for high-school or college expenses. The father of one permanently injured girl was saving the compensation as a dowry for his daughter's marriage. Another boy, who was still at school, intended to invest his money in a business.

It is of the utmost significance that only half of these handicapped children had saved even a fraction of their awards and that in 12 cases the savings were haphazard and would probably be spent for current needs. Foremost among other expenditures was the money spent by parents toward the purchase of houses. Next most important were legal fees, followed in order by loans and business ventures, purchase of automobiles, medical expenses, and vocational training.

It will be noticed that the savings equaled 47 per cent of the total amount received up-State but only 20 per cent in New York City. This is due to the fact that guardians had been appointed for 4 up-State minors. These 4 minors, two boys and two girls, had saved approximately $17,000, or 88 per cent of the total of $19,346.65 saved by the 13 permanently injured minors reporting up-State.

The beneficial results of the appointment of guardians in double-compensation cases where awards are large is recognized by the authors of this report and the extension of the practice is recommended, as follows:

* * * Three of these four permanently handicapped children had been able to keep intact practically their entire awards as insurance for the future, while the fourth, who had spent almost two-thirds of her award, had used it for necessary living expenses and as tuition for a business course which prepared her to earn her own living.

Although four cases would, in general, be considered somewhat limited evidence, the facts here are striking enough to deserve careful attention. Not only had these four children saved or put to good use the funds which they had received, but their savings constituted 46 per cent of the entire amount saved by the 81 permanently disabled children who reported how they used their money. In other words, 4 children were responsible for almost half the savings, 77 children for the other half.

These facts in themselves seem to point definitely toward the necessity of extending the practice of appointing guardians. * * *

There has never been an established policy in regard to the appointment of guardians in double-compensation cases. The four appointments came about really by chance. All were made in connection with large awards. In two cases, the children's attorneys were responsible and in another a social worker,

who was interested in the child, brought about the appointment of a guardian. The fourth case happened to be in an up-State county where it is the generally accepted practice to appoint guardians for all minors receiving compensation awards of $150 or more.

It is apparent, in view of the very few cases in which guardians have been appointed, that it would be necessary to establish some definite procedure in order to have the practice widely accepted.

As a result of the facts brought out in this study the division of workmen's compensation of the New York State Department of Labor now makes it a practice to refer to its bureau of aftercare service for investigation all cases in which there is under consideration the awarding of a large sum to an injured minor, in order that the referee, before whom the case comes for hearing, may be informed as to whether or not it seems desirable to have a guardian appointed who can look after the best interests of the child in the use of this money. This is done not only in cases in which a double-compensation award is involved but also in other cases when deemed advisable. Whenever, in the judgment of the aftercare bureau and the referee, the appointment of a guardian would appear to further the child's interest, it is required that such appointment be made before the amount of the award can be paid over. No fixed sum has been stipulated as requiring the appointment of a guardian, as the division of workmen's compensation believes that with varying circumstances it may be desirable to vary the practice in this regard.

Part 2.—SPECIAL STUDIES OF ILLEGALLY EMPLOYED MINORS UNDER THE WORKMEN'S COMPENSATION LAWS OF WISCONSIN AND INDIANA

WISCONSIN

INTRODUCTION

Wisconsin was selected as one of the States for the Children's Bureau study of minors injured while illegally employed because it is one in which extra compensation is given under the workmen's compensation act, and because as the first State to enact extra-compensation legislation its experience and its records extend over a number of years. The study was concerned primarily with the administrative procedure that has been evolved in carrying out the extra-compensation provision and the methods of dealing with the various problems that have arisen in the course of its administration, as shown by the records of extra-compensation cases. The study of the records with this objective yielded also, however, important information in regard to the injured minors themselves, especially as to the causes of their injury and the amount of compensation they received, and this information has been analyzed and presented as part of the study.

As a basis for conclusions, information was obtained regarding all cases recorded in the files of the Wisconsin Industrial Commission, which administers the workmen's compensation law of the State, of compensable accidents occurring to illegally employed minors from September 1, 1917, when the law providing for the payment of increased compensation in such cases went into effect, through December 31, 1928. The latter date was selected to terminate the period covered by the study because it was desired to have as complete a record as possible of all the cases included—preferably, so far as possible, closed cases. Reports of practically all injuries to illegally employed minors occurring in 1928 and previous years that will ever be reported to the commission should have been in its hands [1] and the cases closed by March, 1931, when the records of the commission were given a final search for the purposes of this study.

Only cases definitely known to have been closed were included in the statistical analysis, as conceivably some doubt might exist as to whether or not any open case was actually an extra-compensation case, even though there appeared from the record to be no question as to the injured person's eligibility for extra compensation. In the final tabulation 5 cases were excluded because they had not been

[1] Of the 948 cases in this study for which information was available as to both the date of injury and the date on which employer's report of accident was received by the industrial commission, reports of injuries were received in 27 cases one year or more, in 1 case two years, and in 1 case three years after the date of injury.

closed,[2] 7 because the records and correspondence were incomplete, and 4 because the courts reversed the decision of the commission that extra compensation was due.[3] Information was tabulated for 962 cases. For 698 (73 per cent) of these the information was complete, and for most of the other 264 the information most necessary for the purposes of this inquiry (that is, the actual ages of the injured minors, the nature of the legal provisions violated, the cause, extent, and duration of disability, and the amount of compensation paid) was available.[4]

THE WISCONSIN WORKMEN'S COMPENSATION LAW AND THE INJURED MINOR

GENERAL PROVISIONS

The workmen's compensation law[5] of Wisconsin is in its general features rather more liberal than similar laws in the majority of the States.[6] It is not only very broad as to the type of injury for which it provides compensation, applying to all accidental injuries growing out of or incidental to employment which cause disability for more than one week[7] or which result in death, but it applies also to certain cases of disfigurement and is one of the few laws that provide compensation for occupational diseases generally.[8] Practically all employments are covered by the act, the only exceptions being such employment as is almost universally exempted in the

[2] Of these 5 cases, 2 were pending awaiting physician's report as to extent of disability; in 1 it had not been determined whether or not extra compensation was due and the case was pending during the illness of the employer's attorney; in 1 the employer had died and no administrator of his estate had been appointed; and in 1 the minor's mother refused to permit the minor to accept extra compensation, as she herself had asked the employer to hire him.

[3] A. F. Potter *v.* Industrial Commission and Joseph Matter, Circuit Court of Dane County, Wisconsin; Schanen *v.* Industrial Commission, 228 N. W. 520 (1930); Zurich General Accident and Liability Insurance Co. *v.* Industrial Commission, 220 N. W. 377 (See p. 61); Calvetti et al. *v.* Gasbarri, 230 N. W. 130 (see p. 64). A fifth case (Hotel Martin Co. *v.* Industrial Commission, 195 N. W. 865 (see p. 122), was included in the tabulation because extra compensation appears to have been due under the law, the court's decision that the commission's award for extra compensation could not be sustained being based solely on the fact that it had been made after the time had expired for reopening the case. The case had been settled some time before, at a time when the commission had not known the injured person was a minor illegally employed.

[4] The employer's report of the injury was missing in 126 (13 per cent) of the cases; most of these cases occurred in the first year or two after the extra compensation law became operative, many of the records for which had been officially destroyed. In 12 per cent of the cases no releases or receipts for compensation were on file and in 11 per cent only one release, but, as approximately half of the cases for which releases were not available had occurred before 1920, they had probably also been destroyed.

[5] Laws of 1911, ch. 50. Amendments have been made by each subsequent session of the legislature. (Wis.. Stat. 1929, secs. 102.01 to 102.41.)

[6] For a general discussion of the provisions of workmen's compensation laws, see Comparison of Workmen's Compensation Laws of the United States as of Jan. 1, 1925 (U. S. Bureau of Labor Statistics Bulletin No. 379, Washington, 1926); Workmen's Compensation Legislation of the United States and Canada as of July 1, 1926 (U. S. Bureau of Labor Statistics Bulletin No. 423, Washington, 1926); Workmen's Compensation Legislation of the United States and Canada as of Jan. 1, 1929 (U. S. Bureau of Labor Statistics Bulletin No. 496, Washington, 1929.) Statements on pp. 52 to 55 regarding the provisions of other laws as compared with the Wisconsin law are based in part on the last-named publication, and are limited to the 44 States having workmen's compensation laws and the District of Columbia. These statements are of Jan. 1, 1931, but important legislative changes made in the Wisconsin law in 1931 have been added in footnotes.

[7] Since the date of the study and the writing of this report, the legislature has amended the workmen's compensation act to provide compensation if the disability extends for more than three days. (Wis., Laws of 1931, ch. 66.)

[8] Only 5 States—California, Connecticut, Massachusetts (by court decision diseases contracted through employment under conditions not, as yet, definitely defined), North Dakota, and Wisconsin—and the District of Columbia allow compensation for occupational diseases generally and only six additional States—Illinois, Kentucky, Minnesota, New Jersey, New York, and Ohio—provide compensation for specified occupational diseases or for occupational diseases arising out of designated employments.

compensation laws of the United States; namely, farm labor and domestic service.[9] Employers of less than three employees are exempted, but the Wisconsin law in this respect also is more liberal than the compensation laws of many States.[10] During the period of the study, the act was compulsory for the State and its political subdivisions and was optional for all private employers,[11] but its acceptance was presumed in the case of all private employers having three or more employees in the absence of the filing of written notice to the contrary with the State industrial commission,[12] and those rejecting it were denied all the usual common-law defenses in damage suits.[13] A large number of employers had elected to come under the act. The State industrial commission estimated that from 85 to 90 per cent of the employees in the State, exclusive of agricultural and domestic workers, came under its operation, and in addition a considerable number of agricultural and domestic workers are covered through the voluntary acceptance of the act by their employers.

Compensation was payable during the period of the study for a disability lasting more than one week,[14] which is the waiting period provided by most compensation laws.[15] If the disability lasted more than three weeks, compensation was paid from the date of injury.[14]

A comparison of total benefit costs under the compensation laws of the various States, compiled as of January 1, 1931, by the National

---

[9] Farm labor is exempted from the workmen's compensation law in the District of Columbia and in all States except New Jersey and California, but in Arizona agricultural workers employed in the use of machinery, in Kentucky operators of threshing machines used in threshing or hulling grain or seed, in Minnesota employees of commercial threshermen or of commercial balers, and in South Dakota operators of commercial threshing machines are covered by the acts, and in Wisconsin the exemption of farm work does not cover work for a commercial thresher man, clover huller, silo filler, corn shredder, or "other employer whose employees work along with farmers or farm laborers."

Domestic service is exempted in the District of Columbia and in all States except New Jersey.

[10] In 23 States employers are exempt who have less than a specified number of employees, the number being less than 2 in Oklahoma; less than 3 in Arizona, Kentucky, Ohio, Texas, Utah, and Wisconsin; less than 4 in Colorado, New Mexico, and in New York for nonhazardous employments; less than 5 in Connecticut, Delaware, Kansas, New Hampshire, North Carolina, and Tennessee; less than 6 in Maine and Rhode Island; less than 10 in Georgia; less than 11 in Missouri (for nonhazardous employments), Vermont, and Virginia; and less than 16 in Alabama. The Wisconsin act also exempts an employee "whose employment is not in the course of a trade, business, profession, or occupation of his employer * * *," the latter exemption being somewhat similar to the exclusions found in many State laws of employees whose employment is only casual.

[11] Since the writing of this report the act has been made compulsory for all private employers except farmers, including public-service corporations, who usually employ three or more employees. Employers of domestic servants are likewise exempted from the compulsory provision of the act. (Wis., Laws of 1931, ch. 87.)

[12] In the case of a railroad company operating a steam railroad engaged in intrastate commerce, however, both employers and employees engaged in "operating, running, or riding upon, or switching * * * trains" were required to file written notice with the commission in order to obtain the benefits of the act. See footnote 11, above, for 1931 amendment making the act compulsory as to public-service corporations. At the time of this study acceptance was presumed in the case of employees of accepting employers who did not give written notice that they did not wish to be covered by the terms of the act. In 1931, by ch. 87, the legislature removed the right of an employee to reject the act except in case of epilepsy and total blindness.

[13] That is, such an employer could not defeat the employee's suit for damages for a personal injury on the ground that the accident was due to contributory negligence of the employee, or to a risk assumed by the employee, or to the fault of a fellow servant. These defenses, however, were restored to employers operating under the act in a suit by an employee rejecting the act. Acceptance was optional with employers exempted from the act, but they did not lose their common-law defenses, except that employers (other than farmers) of less than three employees lost the common-law defense of assumed risk if they did not come within the act. Under the 1931 amendment making the act compulsory (see footnote 11) the position of employers as to whom acceptance is still optional is unchanged.

[14] Since the date of this study and the writing of this report, the waiting period in Wisconsin has been reduced to 3 days and compensation is also made payable for the first 3 days if the employee is disabled longer than 10 days. (Wis., Laws of 1931, ch. 66.)

[15] On January 1, 1931, only two States (Oregon and South Dakota) had no waiting period, and only five States had a shorter waiting period than Wisconsin: Maryland, Missouri, Utah, and Washington, 3 days; Oklahoma, 5 days.

Council on Compensation Insurance,[16] indicates that the benefits under the Wisconsin act, when costs for all classes of injuries are combined, were at that time more liberal than those in all other States except 3,[17] and at least 50 per cent higher than those in more than half the States. At the time of this comparison the rate for computing compensation for all disabilities except death was 65 per cent of the average weekly earnings,[18] higher than that provided in 23 States for temporary total disability.[19] The range of weekly payments, also, from a maximum of $19.50 to a minimum of $6.83 was liberal when compared with other states.[20] The total compensation for temporary total disability may not exceed four years' earnings (a maximum of $6,000),[21] but this is greater than the maximum amount that may be paid in 21 States;[22] moreover, no limitation is placed by the Wisconsin law upon the period during which compensation may be paid. For permanent total disability the maximum period for which compensation may be paid is 1,000 weeks, a period longer than that fixed in the laws of 24 States,[23] resulting, if maximum weekly compensation had been paid, in a maximum total possible payment of $19,500.[24] The provision for medical aid is also relatively generous and elastic. No limitation is placed on the amount that may be expended, and, although the period during which aid may be required to be given is limited to 90 days, the industrial commission may extend this period in special cases, not to exceed, however, the period for which compensation is payable.

---

[16] This comparison of costs (which are "weighted" averages) is stated to be correct in a general way only, as the distribution of accidents by type of injury varies in the different States. The figures are also subject to many limitations because so many elements, the effect of which can only be surmised, enter into the computations.

[17] The three States were Arizona, New York, and North Dakota. The benefit costs under the United States longshoreman's act and the District of Columbia act were also classified as exceeding those of Wisconsin.

[18] Since the writing of this report Wisconsin has raised its compensation rate to 70 per cent of the average weekly earnings of the employee, a rate higher than is provided in any other State. (Wis., Laws of 1931, ch. 101.)

[19] Only 13 States and the District of Columbia fixed a higher rate (66⅔ per cent), and 23 fixed a lower rate; 5 fixed a rate equal to that in Wisconsin. (In 4 of the 23 States, however—Idaho, Illinois, Montana, and Oregon—the rate was as high or higher than in Wisconsin at that time if the employee had a certain number of dependents and in one of the five (Arizona), although the rate was the same as that of Wisconsin, a flat sum was added in the case of certain dependents.) Two States did not base compensation on the amount of wages earned but specified a flat sum.

[20] Since the date of this study and the writing of this report the maximum and minimum weekly payments have been increased to $21 and $7.35, respectively. (Wis., Laws of 1931, ch. 101.) On Jan. 1, 1931 (using maximum and minimum weekly compensation payment for temporary total disability as a basis for comparison), 1 State, among the jurisdictions that based compensation on wages, fixed no weekly maximum and only 12 and the District of Columbia provided a higher maximum than Wisconsin, whereas 28 States provided a lower weekly maximum. Twenty States and the District of Columbia fixed a higher weekly minimum, but in only 9 of these jurisdictions was the minimum absolute as in Wisconsin, the remainder permitting the payment of actual wages in lieu of such minimum if wages were less than minimum. Twenty-one States fixed either no weekly minimum or a lower minimum than Wisconsin. The 2 States not basing compensation on wages but providing a set monthly amount varying with the number of dependents, provided a higher maximum and minimum than Wisconsin.

[21] The act provides that the average annual earnings of employees shall be taken at not more than $1,500. (Wis., Stat. 1929, sec. 102.11.)

[22] California, Delaware, Georgia, Illinois, Indiana, Maryland, Massachusetts, New York, Ohio, Rhode Island, Utah, Vermont, and Virginia, in which the specified maximum is less than $6,000, and Alabama, Iowa, Montana, New Hampshire, Oklahoma, South Dakota, Tennessee, and West Virginia, in which the term provided for payments combined with the maximum weekly payment prevents the total possible payment equaling $6,000.

[23] The remaining 20 jurisdictions having a maximum period exceeding that of Wisconsin are Arizona, California, Colorado, District of Columbia, Idaho, Illinois, Maryland, Minnesota, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, West Virginia, and Wyoming.

[24] Since the 1931 amendment, which resulted in raising the maximum weekly compensation to $21 (ch. 101), a maximum of $21,000 is possible. Thirteen States, however, provide compensation in permanent total disability cases for life, without limiting the total payment: Arizona, California, Colorado, Idaho, Illinois, Nebraska, Nevada, New York, Ohio, Oregon, Utah, Washington, and West Virginia.

This standard is exceeded only by a few jurisdictions, those that limit neither the total cost nor the total period of medical aid [25] and one that places no limitation on the amount and requires medical aid to be given for a longer period than in Wisconsin.[26]

In fatal cases burial expenses up to $200 are allowed, and total dependents may receive an amount equaling four times the employee's annual earnings. If the employee leaves no one totally dependent on him, the law has provided since 1929 for a payment of $1,200 to an "unestranged surviving parent or parents residing within * * * the United States," and in all other cases of partial dependency, for the payment of such sum as the commission shall determine, not exceeding twice the average annual earnings or four times the employee's contribution to his dependents in the preceding year, whichever is greater. If there are no total dependents, the employer or insurer is required to pay into the State treasury the difference between the amount payable if the employee had left such total dependents and the amount due partial dependents, such payment not to exceed $1,600.

Administration of the workmen's compensation law is lodged with the State industrial commission, which enforces all the labor laws of the State, including the child labor law, and is charged with the arbitration and conciliation of disputes and the collection of industrial statistics. The commission consists of three members, each of whom is appointed by the governor with the consent of the senate for a term of six years; its employees are selected under State civil-service regulations.

PROVISIONS RELATING ESPECIALLY TO MINORS

Specific provisions concerning minor employees found in the Wisconsin law relate to (1) the power of a minor to contract for the purposes of the act in the same way as if he were an adult employee,[27] (2) the requirement that a minor's compensation for permanent disability shall be based on his probable earnings after majority,[28] and (3) the requirement that if a minor is injured while employed in violation of specified provisions of the child labor law, he (or in cases of fatal injury his dependents) shall receive in compensation an amount in addition to the primary or regular compensation provided in the act.[29]

Power of minor to contract.

The provision giving minors power to contract is similar to that of a number of compensation laws and is intended to facilitate proceedings with respect to minor employees. It endows a minor with legal capacity to act for himself in proceedings under the act, replacing the common-law rule that in general a minor, for his own protection, has not the capacity to bind himself absolutely by contract but must act through a guardian. The minor "becomes for the purposes of the act an adult, or at least on the same plane" [30] and is

[25] California, Connecticut, Idaho, Illinois, Minnesota, Nebraska, New York, North Dakota, Washington, and the District of Columbia.
[26] Nevada. In this State medical aid is required to be furnished for six months and may be extended for an additional period of one year.
[27] Wis., Stat. 1929, sec. 102.07. (For text, see p. 133.)
[28] Wis., Stat. 1929, sec. 102.11 (1) (e).
[29] Wis., Stat. 1929, sec. 102.09 (7) and (8). (For text, see p. 133.)
[30] Borgnis et al. *v.* Falk Co. (147 Wis. 327, 133 N. W. 209 (1911)).

permitted to represent himself in proceedings before the commission.[31] During the period of the study, the act was presumed to apply to a minor as to an adult in the absence of written notice to the contrary; in addition, a minor could, just as if he were an adult, reject the act, accept and receipt for weekly compensation payments, and enter into agreements for compensation or compromise settlements, and make any other contracts permitted under the act to adults.[a]

Basis of computing compensation to injured minors.

Under the act compensation to a minor for any temporary disability is based on the minor's average weekly earnings. If he is permanently disabled, however, the law requires that compensation for the permanent disability must be determined on the basis of the earnings which he, if not disabled, would probably earn after the age of 21 years,[32] and unless otherwise established such earnings are to be taken as equivalent to the amount upon which maximum weekly indemnity is payable.[33] The future earnings that are to be considered are those that the minor would probably earn within a reasonable time after reaching his majority and not either the amount which he might earn immediately upon arriving at majority or the highly speculative amount which he might earn at an indefinite time thereafter.[34] The Wisconsin Supreme Court, in a decision more liberal than that given by the courts of certain other States, upheld the commission's consideration of future earnings in an industry or occupation other than that in which the employee was hurt, and did not require that such probable future earnings be limited to those that the minor might earn after majority in the same industry or occupation in which he was injured.[35]

---

[31] Menominee Bay Shore Lumber Co. v. Industrial Commission of Wisconsin et al. (162 Wis. 344, 156 N. W. 151 (1916)).

[a] See footnote 12, p. 53, for amendment enacted in 1931 removing the right of an employee to reject the act; other contractual rights of minors remained the same.

[32] For methods used in computing compensation to minors under other workmen's compensation laws, see Child Labor—Facts and Figures, pp. 77, 78 (U. S. Children's Bureau Publication No. 197, Washington, 1930); Child Labor; report of the subcommittee on child labor of the White House Conference on Child Health and Protection, pp. 354–358 (Washington, 1932). Since the writing of this report the Wisconsin provision has been made to apply to persons under the age of 27 years instead of only to minors, and the probable future earnings to be considered are those which the employee "if not disabled probably would earn after attaining the age of 27 years." (Wis., Laws of 1931, chs. 42 and 403.)

[33] In Town of New Holstein v. Daun et al. (209 N. W. 695 (1926)) it was urged that the provision placing upon an employer the burden of proving that the minor would probably not earn after majority an amount equal to that upon which the maximum compensation was payable was unconstitutional. The court, after saying that under the decision of the Supreme Court of the United States in Booth Fisheries Co. et al. v. Industrial Commission (46 Sup. Ct. 491, 271 U. S. 208 (1926)), employers who voluntarily accept the act can not question its constitutionality, held that subdivisions of the State (in this case a town, which was the employer), which come under the law by force of statute, are subject to reasonable regulations prescribed by the legislature as to their liabilities and that the burden of showing that a minor would not earn this amount after majority is not so unreasonable as to be unconstitutional.

[34] Badger Carton Co. et al. v. Industrial Commission of Wisconsin et al. (218 N. W. 190 (1928)).

[35] Badger Carton Co. et al. v. Industrial Commission of Wisconsin et al., supra. This case involved a minor of 19 who was a high-school graduate, employed as a machine operator at $12.50 a week in a paper-box factory. She was awarded compensation based on probable future earnings of $22.50 a week, which, under the evidence produced, was substantially the mean between the maximum and minimum earned by high-school graduates one year after graduation. The evidence showed that at the job in which she was working she would probably have earned only $17.50 after arriving at the age of 21 years, and the employer contended that compensation should be based upon that amount. Upon appeal to the circuit court for a reversal of the commission's award, that court upheld the employer's contention, but the supreme court reversed the circuit court and sustained the commission's award.

Payment of additional compensation to illegally employed minors.

History of extra compensation in Wisconsin.—Wisconsin was the first State to enact legislation providing additional compensation for the minor injured while illegally employed. (See p. 17.) Indeed, the theory of such legislation originated in Wisconsin.

Prior to 1917, when the additional compensation amendment was passed, the term "employee" was defined in the Wisconsin compensation act to include "minors who are legally permitted to work under the laws of the State." In administering the law the industrial commission ruled [36] that under this definition minors injured while working under any one of the following illegal conditions were not covered by the act: (1) Minors under 16 working with a permit but at a prohibited employment; (2) minors 16 or over working at prohibited employments; (3) minors under 16 working without a permit. The commission's position was upheld by the State supreme court as to minors in the third group on the ground that such minors working without a permit were not legally authorized to enter an employer's service and were not, therefore, "employees" within the terms of the compensation act.[37] The ruling of the commission with respect to minors in the first two groups, however, was reversed. The supreme court held as to the first group that a minor employed on a proper permit but working at a prohibited occupation was subject to the compensation act, on the ground that as he had a permit he was "legally permitted to work" and therefore included among the employees subject thereto.[38] Although no case involving minors in the second group reached the supreme court, the same reasoning obviously would apply to them, as they were over permit age and, therefore, "legally permitted to work." Illegally employed minors who could sue their employers found themselves in a very favorable position, because, as under many child labor laws, their employment in violation of the law constituted a misdemeanor (that is, a criminal act) and, under the court decisions in Wisconsin,[39] as in a number of other States, an employer is not permitted to set up any of the usual common-law defenses (see footnote 46, p. 18) in order to avoid the consequences of his criminal act. Consequently the minor needs only to prove his illegal employment and injury in such employment to establish the employer's liability. It is then simply a matter of the jury deciding the amount of the damage, and the minors frequently were awarded comparatively large amounts.[40]

---

[36] Workmen's Compensation Act, 1927 edition, p. 24. Published by Wisconsin Industrial Commission.

[37] Stetz *v.* F. Mayer Boot & Shoe Co. (163 Wis. 151, 156 N. W. 971 (1916)).

[38] Foth *v.* Macomber and Whyte Rope Co. (161 Wis. 549, 154 N. W. 369 (1915)). See also Lutz *v.* Wilmanns (166 Wis. 210, 164 N. W. 1002 (1917)).

[39] Pinoza *v.* Northern Chair Co. (152 Wis. 473, 140 N. W. 84 (1913)); Green *v.* Appleton Woolen Mills (162 Wis. 145, 155 N. W. 958 (1916)); Stetz *v.* F. Mayer Boot & Shoe Co., supra.

[40] For instance, in Foth *v.* Macomber and Whyte Rope Co. (see above), in which it was held that a minor working on a proper permit but in a prohibited occupation was limited to the compensation act for relief, the injured minor had obtained a verdict for $1,500; under the compensation act he received $135. In Stetz *v.* F. Mayer Boot & Shoe Co. (see above), in which it was held that minors working without a permit were not subject to the act, a verdict for $985 was returned as damages for injuries received on a heel-press machine. The nature of the injury is not indicated in the decision, but the facts show that a settlement had previously been entered into under the compensation act for $287.84 "as the maximum allowed." In Pinoza *v.* Northern Chair Co. (152 Wis. 473, 140 N. W. 84 (1913)), in which a boy between 14 and 16 lost four fingers of his right hand in a planer and "was also injured otherwise," the jury found he had been damaged to the extent of $1,200. In Green *v.* Appleton Woolen Mills (162 Wis. 145, 155 N. W. 958 (1916)), a boy of 15 suffered an injury to his left arm on a carding machine and the jury found that the boy had been damaged to the extent of $4,500, an amount said by the supreme court to be high but not excessive.

The following excerpt from an article that appeared in the American Labor Legislation Review for June, 1923,[41] indicates the way in which this situation led to the passage of the provision bringing illegally employed minors under the compensation act, at the same time providing for the payment of extra compensation in certain of these cases:

> Prior to 1917, Wisconsin excluded most minors who were injured while illegally employed from its compensation act * * *. A supreme court decision[42] making it very clear that at common law the employers were without a defense, however, alarmed the employers' organizations and made them seek some method for getting away from such indefinite liability. An attorney for one of the leading employers' associations proposed the plan of treble compensation, after figuring out that three times the amount recovered under compensation was about what minors illegally employed had gotten in the common-law actions in which the outcome was most favorable to the injured minors. The treble-compensation plan was then written into the Wisconsin law, in the thought of making definite and certain the liability of the employers, while guaranteeing to the minors injured while illegally employed the same amounts which they could expect to get if successful in suits at common law, without all the trouble and expense of litigation.

The law passed in 1917 amending the workmen's compensation law[43] changed the definition of "employee" so as to include minors of permit age and over, thereby bringing under the act all minors except those under permit age. In addition, the act provided treble compensation in the case of minors of permit age who at the time of the accident were working without a written permit issued in accordance with the provisions of the child labor law and in the case of minors of permit age or over who at the time of the accident were working at a prohibited employment. The employer was made primarily liable and the insurance carrier secondarily liable for the increased compensation, and any provision in an insurance policy guaranteeing primary liability or avoiding secondary liability was declared void. A permit "unlawfully issued" or one "unlawfully altered after issuance, without fraud on the part of the employer" was to be deemed a permit within the provisions of the compensation act.

In 1919 the extra-compensation provision was amended so as to require payment of actual wage loss if the total compensation is less than that amount.[44] Underlying this requirement that compensation should at least equal the minor's loss of wages is the same theory on which the general principle of extra compensation was based, that minors injured while illegally employed who are included within the provisions of the compensation act shall be compensated in a sum somewhat comparable to what they might receive in suits at law, in which they are entitled to be compensated for the entire damage that they have suffered. This amendment has been interpreted by the commission to require that minors injured while unlawfully em-

---

[41] Treble Compensation for Injured Children, by E. E. Witte, chief, Wisconsin Legislative Reference Library, and formerly secretary of the Industrial Commission of Wisconsin, in the American Labor Legislation Review, vol. 13, No. 2 (June, 1923), pp. 123–129.

[42] See the following decisions by the Supreme Court of Wisconsin: Pinoza *v.* Northern Chair Co., Green *v.* Appleton Woolen Mills, Stetz *v.* F. Mayer Boot & Shoe Co., cited previously.

[43] Wisconsin, Laws of 1917, ch. 624.

[44] Wisconsin, Laws of 1919, ch. 680, effective Aug. 1, 1919. A subsequent amendment (Laws of 1927, ch. 517) provided that this liability for loss of wage should exist in the case of temporary disability only, but it could not have been applied to other than temporary disabilities even previously, as in all cases of permanent disability primary and extra compensation together would certainly have exceeded the wage loss.

ployed be paid compensation equal to their loss of wages, even if the duration of their disability does not exceed the waiting period provided by the Wisconsin compensation law.

In 1925 the act was further amended to reduce the extra compensation from treble to double when the violation consists only in the minor's working without a permit issued pursuant to the child labor law and to provide that the extra-compensation provision should apply only when the minor was "illegally employed." (See p. 62.) Treble compensation, however, still applies to cases of minors of permit age who were injured while working without a permit in any place of employment or at any kind of employment in or for which the commission has adopted a written resolution that permits shall not be issued and to cases of minors of permit age or over who were working at a prohibited employment.[45] Minors under permit age were, for the first time, brought within the scope of the act in 1929 [46] and provided treble compensation if illegally employed.[47]

Thus, the additional compensation provision of the Wisconsin law does not extend to every violation of the child labor law,[48] but is definitely limited to violations of the permit provisions and of requirements as to minimum age, whether in general employment or in special hazardous occupations.[49]

Provisions of the child labor law as related to extra compensation.—Under the Wisconsin child labor law no child under 14 may work in any gainful occupation except agriculture and summer-vacation work in a few designated employments which are permitted to children 12 and 13 years of age.[50] Employment certificates or permits to work are required for all children between 12 and 14 permitted to be employed during the summer vacation and for children between 14 and 17 in all occupations except agriculture and except domestic service in cities having no vocational schools, the term used in Wisconsin for continuation schools. Certificates of age for minors above the permit age, which are conclusive evidence of age of the minors to whom they are issued in any proceeding under the labor laws or the workmen's compensation act, may be obtained from the issuing officers by employers desiring to avail themselves of this protection.[51] The State industrial commission has complete control over the issuance of permits and either issues them itself or appoints the issuing officers and supervises their work. Duplicate copies of all work permits and age certificates issued must be filed with the commission.

A large number of specified hazardous occupations and processes are prohibited by the child labor law to minors under specified ages.

---

[45] Wisconsin, Laws of 1925, ch. 384, effective June 29, 1925.

[46] Wisconsin, Laws of 1929, ch. 453.

[47] For text of the extra-compensation provision, see p. 133.

[48] See p. 20 for discussion of additional compensation provisions of the other States with respect to violations of the child labor law.

[49] For text of the Wisconsin child labor law and rulings here referred to, see pp. 134–141.

[50] Work is permitted in stores (not a drug store nor in the delivery of merchandise), office (not a factory or printing office), mercantile establishments, warehouse (not a factory or tobacco warehouse), telegraph, telephone, or public messenger service in the town where he resides. Children of 12 and 13 are also permitted to be employed during school vacation at work usual to the home of the employer.

[51] The provision for age certificates for minors over permit age was inserted in the law in 1925 (ch. 256). Before 1925 a provision (still in effect) allowed such a minor unable to present documentary evidence of age to a prospective employer to establish his age by a proceeding before the county court, the findings of such court to be conclusive evidence of his age in proceedings under the labor laws or the workmen's compensation act (Wisconsin, Laws of 1921, ch. 185).

The prohibitions applicable to minors under 16 relate chiefly to work on designated dangerous machines, including specified machinery in metal working, wood working, paper making, printing, rubber manufacturing, leather working, textile manufacturing, and in bakeries and laundries; to the operation of polishing wheels; to work in places involving exposure to certain dangerous or injurious substances, as in the manufacture of paints or poisonous compositions; and to other dangerous occupations, such as work on scaffolding or heavy work in the building trades, or in oiling or cleaning machinery. Minors under 18 are prohibited from working in certain specified hazardous places, such as in or about docks, wharves, blast furnaces, mines or quarries; from certain occupations on railroads and boats; from work in establishments in which explosives are manufactured or stored; from operating buffing wheels; from the running or management of elevators; from the outside erection or repair of electric wires; from oiling or cleaning dangerous machinery in motion; from dipping, dyeing, or packing matches. Night messenger service in cities of the first, second, or third class is prohibited for minors under 21. Girls under 18 are prohibited from work in messenger service, girls under 21 from employment as bell hops in hotels, and all females from work in or about a mine or quarry.

The child labor law further contains a general provision to the effect that no minor shall work at any employment dangerous or prejudicial to his life, health, safety, or welfare. In addition it gives the industrial commission power to determine what occupations are hazardous and to prohibit by order the employment of minors therein, but no rulings have been made under this clause. Prohibitions of a number of hazardous occupations, however, have been made indirectly under the authority given to the commission in connection with the issuance of permits (see p. 141) which includes power to refuse to grant permits for employment if in its judgment the best interests of the minor will be served by such refusal. Among these are the prohibition of the work of boys under 16 in hotels and in lumber and logging operations; of girls under 17 in hotels, restaurants, clubhouses, and boarding and rooming houses, including those conducted by industrial plants for their own employees; and of all minors under 17 in road construction and on threshing crews and in bowling alleys, poolrooms, and billiard halls.

The child labor law provides that a violation of any of these provisions by an employer is a misdemeanor and is punishable by a fine of not less than $10 nor more than $100 for each offense or by imprisonment in the county jail for not to exceed 30 days, every day during which such violation continues being a separate and distinct offense.[52] These penalties may be enforced in a criminal action, as is the procedure in most States for child labor law violations, or the money penalty may be recovered in a civil action for debt. In a civil action the State has the right of appeal, which it does not have in a criminal case, and the former is generally used by the commission in prosecuting violations of the law.

Interpretation of the extra-compensation provision.—The constitutionality of the extra-compensation provision of the Wisconsin

[52] The parent or guardian permitting the illegal employment is also guilty of a misdemeanor and may be fined from $5 to $25 for each offense or imprisoned for not more than 30 days.

Workmen's Compensation law was upheld in 1920, prior to the enactment of similar legislation in any other State. In the first case in which its constitutionality was questioned, the employer contended that this provision was a penalty imposed to enforce a criminal statute (the child labor act) and that it was not germane, therefore, to the compensation act; also that it deprived the employer of his constitutional right to a trial by jury for a violation of the child labor law. The Supreme Court of Wisconsin held, however, (1) that it was not legally a penalty imposed in the enforcement of a criminal statute, but a condition which the legislature has the power to lay down as a reasonable requirement to permitting minors illegally employed to be compensated under the compensation act; and (2) that as employers under the compensation act are brought "in direct contact with the child labor law" whenever they employ minors, it is germane to the compensation act; that is, within the limits of its general scheme;[53] and (3) that it is not violative of any rights of the employer, because employers who elect to operate under the compensation law are bound by all its terms and have waived all their common-law rights, and that as the act becomes a part of every contract of employment the rights and liabilities of the parties must be determined with reference to its provisions.[54] In two cases arising shortly afterwards the court refused to overrule this decision, holding that a reconsideration convinced the court that it should be adhered to.[55]

In addition to passing upon the constitutionality of the general principle of extra compensation, the courts have passed upon several cases involving the construction or application of this provision and of the child labor law as related to it. Some of these cases were not settled until 1930, after the period covered by the cases included in this study.

Under the Wisconsin decisions an employer liable for extra compensation is not relieved of its payment because he has been led into employing the minor by the minor's misrepresentation of his age. This particular question was determined by the Wisconsin Supreme Court some years ago in the case of a boy of 15 who had obtained employment without a permit under an assumed name, claiming to be 17 years of age.[56] The court based its decision on a case arising before extra compensation was provided for illegally employed minors, in which a minor injured while employed without a permit and who had obtained his employment by falsely representing his age had sued his employer for damages and the court had held that the misrepresentation as to his age did not prevent him from obtain-

---

[53] The court indicated in this connection that it was permissible for the State to effectuate its public policy with respect to the protection of children through the workmen's compensation act in connection with any other public law of a cognate nature (in this case the child labor law).

[54] Brenner *v.* Heruben et al. (170 Wis. 565, 176 N. W. 228 (1920)), citing Anderson *v.* Miller Scrap Iron Co. (169 Wis. 106, 170 N. W. 275, 171 N. W. 935 (1919)), which held that employers electing to operate under the act had agreed to be bound by it.

[55] Mueller & Son Co. *v.* Gothard et al. (173 Wis. 135, 179 N. W. 576 (1920)); Faust Lumber Co. et al. *v.* Gaudette et al. (173 Wis. 136, 179 N. W. 576 (1920)).

[56] Mueller & Son Co. *v.* Gothard et al. (173 Wis. 135, 179 N. W. 576 (1920)). See also Zurich General Accident and Liability Insurance Company Limited et al. *v.* Industrial Commission of Wisconsin et al., 216 N. W. 137 (1927), in which the court said that the minor's misrepresentations of age was not a defense to the liability of defendants to pay double death benefits to the parents of the minor if they had made no misrepresentations and were not present when the misrepresentations were made. (This case was reversed and remanded in 220 N. W. 377 (1928) on the ground that the industrial commission should find whether dependency of parents in fact existed, and upon reconsideration the industrial commission dismissed the case.)

ing them. The court in that case pointed out that the child labor law is intended to protect the health and morals of children and is aimed at the employer and not at the child, and that to permit an employer to be relieved of the consequences of its violation by saying that he acted on the child's misrepresentation would restrict the objects which the legislature intended to accomplish.[57]

Several important decisions have been handed down relating to the liability of employers for additional compensation in cases in which it was claimed that the terms of the child labor law were not violated. The instances that have arisen have been in cases of employers to whom, it was claimed, the child labor law did not apply or of employment which, it was alleged, was not covered by the child labor law.

Though it was doubtless the intention of those responsible for the framing of the original extra-compensation amendment to the Wisconsin workmen's compensation law enacted in 1917, that employers should be liable for the payment of the additional compensation in the case of minors injured while illegally employed, the amendment did not definitely state this, but was broader in its implications in requiring that such payment should be made (1) in the case of minors of permit age or over injured while employed in prohibited employment, and (2) in the case of minors of permit age injured when employed "without a written permit issued pursuant to" the child labor law—irrespective (impliedly) of whether or not permits were required by law in the occupations in which they were employed at the time of injury. In 1925, however, when the law was amended to change the additional compensation from treble to double in the cases of permit violations, the extra compensation was made payable "when the injury is sustained by a minor illegally employed."[58]

In a case arising before the 1925 amendment, a town that had employed a minor of permit age without a permit contended it was not liable for extra compensation on the ground that the child labor law did not apply to the State or its political subdivisions.[59] The court held, however, that the town was liable for extra compensation whether or not it was subject to the child labor law, as towns were specifically included under the compensation act and that act required compensation to be treble the amount otherwise recoverable if the injured employee was a minor of permit age and employed without a permit "irrespective of the legality or illegality of the employment." This decision was not handed down until 1926, and

---

[57] Stetz *v.* F. Mayer Boot & Shoe Co. (163 Wis. 151, 156 N. W. 971 (1916)).

[58] Before the 1925 amendment the law read "compensation * * * shall in the following cases be treble the amount otherwise recoverable (a) if the injured employee be a minor of permit age and at the time of the accident is employed * * * without a written permit issued; * * * (b) if the injured employee be a minor of permit age, or over, and at the time of the accident is employed * * * at prohibited employment * * *." In differentiating between treble and double compensation the section was reworded in 1925 to read: "When the injury is sustained by a minor illegally employed, compensation * * * shall be * * * (a) double the amount otherwise recoverable, if the injured employee is a minor of permit age and * * * employed * * * without a written permit issued pursuant to [the child labor law] (b) treble the amount otherwise recoverable * * *." It should be noted that the case cited below (Town of New Holstein *v.* Daun et al., 209 N. W. 695) was not decided until 1926, and that in 1925 when the amendment was passed no case had as yet been decided by the Wisconsin Supreme Court involving the question whether an employer might be required to pay the extra compensation even though he was not violating the child labor law.

[59] A political subdivision of the State (that is, town, county, etc.) when performing governmental functions has the privilege of the State in that general laws apply only when in its favor, and express provision to that effect must appear to create a liability against it or a duty upon it. (Sullivan *v.* School District No. 1, of the city of Tomah, 179 Wis. 502, 507, 191 N. W. 1020 (1923).) The Wisconsin child labor law is not specifically made applicable to such political subdivisions.

in it the court stated that in view of the 1925 amendment it would be necessary in cases arising thereafter to determine definitely whether or not the minor's employment was illegal before a decision could be made as to whether the employer was liable for the extra compensation.[60]

In 1930 a case came before the industrial commission in which the employer was a county and the injured minor was of permit age but employed without a permit, and at a prohibited employment (in road construction, work prohibited by a ruling of the commission). As the child labor law of Wisconsin does not include among the employers made subject to the act the State or its political subdivisions, the commision held that the child labor law did not apply to a county (see footnote 59, p. 62), and that since the employment of the child was not illegal, the county was therefore not liable for the additional compensation. The commission, discussing the additional-compensation provision of the workmen's compensation law, said:

> Double or treble compensation * * * is payable only "when the injury is sustained by a minor illegally employed." The inquiry in this case, therefore, must be pointed to the proposition of whether or not the applicant in this case was illegally employed. * * * it appears quite clear that the legislature had definitely intended that the term employer as defined in this section [section defining "employer" for the purpose of the child labor act] shall not include the State, county, town, city, village, or school district. It appears, therefore, that the employment of minors under 17 by counties without permits is not prohibited nor is the employment of minors in dangerous occupations by counties prohibited.[61]

Another case in which this same question of whether or not the injured minor had been employed contrary to the child labor law arose from a somewhat different angle was one in which a minor of 16 had been employed without a permit at sewer digging, and the liability of the employer depended upon whether a permit was required by the child labor law for this occupation. The child labor law requires permits for the employment of children between 14 and 17 in a list of enumerated occupations "or at any gainful occupation or employment" except agriculture and except domestic service in certain cities. Digging a sewer is not specifically mentioned in this list, and it was urged by the employer that the legislature in requiring permits for work "at any gainful occupation or employment" did not intend to extend the permit requirement except to occupations of the same kind and character as it had enumerated in the law and that sewer digging was not of this same kind and character. The Wisconsin Supreme Court held, however, that the general phrase extends the permit requirement to this occupation, and that the employer was therefore liable for the additional compensation, calling attention to the fact that the word "employment" is defined by the statute [62] for the purpose of the section under consideration in a sufficiently broad manner to include such work.[63]

---

[60] Town of New Holstein *v.* Daun et al. (209 N. W. 695 (1926)).
[61] Naumann *v.* Door County et al., decided by the industrial commission June 24, 1930.
[62] Wisconsin, Stat. 1929, sec. 101.01.
[63] Aylward et al. *v.* Industrial Commission et al. (231 N. W. 599 (June, 1930), reversing 228 N. W. 133). In 232 N. W. 535 (October, 1930), the supreme court refused to modify its decision requiring additional compensation to be paid. As a result of the interest aroused by this decision the Wisconsin Industrial Commission appointed a committee to consider the revision of the regulations regarding the employment of minors in hazardous trades.

An employer is liable for extra compensation if he employs a minor "without a written permit issued pursuant to" the child labor law. The question whether the employer had employed a minor in violation of this provision and thereby incurred liability for the additional compensation has arisen in two cases that have reached the supreme court. In one case the employer, although admitting that he had no permit for the minor's employment at the time of the minor's injury, claimed that he was not liable for the extra compensation because a permit had been issued to him for a prior employment of this same child. The industrial commission found, however, that the employer was liable on the ground that no permit had been issued for the employment in which the minor was engaged at the time of the injury, and that the prior issuance of a permit authorizing the child's employment by this employer did not relieve the latter from the necessity of requiring a permit for a subsequent reemployment, especially when the permit issued had been returned to the issuing officer prior to such reemployment. On appeal to the Wisconsin Supreme Court, that court sustained the commission's award.[64]

In the second case the question arose as to whether an employer had become liable for the extra compensation by failing to have a certificate on file (as is required by the child labor law) at the time of the minor's injury, though one had in fact been issued to this employer for the employment in which the minor was engaged at the time of injury. He had employed the minor on a vacation permit and the boy, desiring to continue work after school began, applied for a permit to work after this one should expire. The new permit was prepared and signed by the county judge, who was the issuing officer, and the boy was notified to come for it. He went after it but, finding the judge busy, returned to his work without it. He never went back for it, and it was still in the issuing officer's possession at the time of the injury. The Wisconsin Supreme Court held that the permit had been lawfully issued and that, therefore, the employer was not liable for extra compensation saying:

> * * * penalty provisions are to be strictly construed, and to double the compensation for failure to have the permit on file is to inflict a penalty of great severity * * *. The accident and injury would be the same whether the boy had his permit on file with his employer or not. The fact was that he was entitled to a permit, and the permit had been actually lawfully issued * * *.[65]

Under this decision an employer incurs liability for such compensation only if his violation falls squarely within one of the conditions enumerated in the compensation act.

ADMINISTRATION OF THE WISCONSIN WORKMEN'S COMPENSATION LAW IN THE INTEREST OF THE ILLEGALLY EMPLOYED MINOR

The administration of the extra-compensation provision of the Wisconsin workmen's compensation law, which became operative in 1917, was recognized from the beginning by the State enforcing

[64] Racine Auto Tire Co. et al. *v.* Industrial Commission of Wisconsin et al. (180 N. W. 124 (1920)). This decision was by an equally divided court, and under the established rule the judgment of the lower court (which had sustained the commission's award) was affirmed.

[65] Calvetti et al. *v.* Gasbarri et al. (230 N. W. 130 (1930)).

officials as presenting certain special problems. The Wisconsin Industrial Commission, which was charged with the administration of the law, therefore regarded it as its duty to set up such machinery as was necessary to see that minors injured while illegally employed obtained their rights. In the view of the commission, this involved discovering all persons meeting with compensable industrial injuries while employed in violation of the State child labor law, and seeing not only that they received in full the compensation to which they were entitled but that it was paid to them in such a way as to serve their best interests.

The commission is unusually well qualified to undertake these duties. In addition to administering the workmen's compensation law, it enforces the child labor law; it not only inspects for violations of the child labor law but also is responsible for the issuance of permits under the child labor law, a responsibility not often lodged with a State labor department. Moreover, the commission has been fortunate in retaining in its service commissioners and staff members over a sufficiently long period of years to make possible continuous and consistent development of policies of administration. The present chairman of the commission has been a member since 1912, one year after the workmen's compensation law went into operation, and chairman since July 1, 1921.

INVESTIGATION OF LEGALITY OF EMPLOYMENT

In investigating the legality of the employment of an injured minor it is necessary to ascertain, first, the minor's true age in order to know what legal restrictions, if any, the law imposes upon his employment, and then whether, if he was of the age for which an employment certificate is required under the law, such a certificate was on file for him at the time of injury. In many cases investigation is necessary also to ascertain whether or not he was employed in an occupation prohibited for minors of his age. The procedure described in the following pages has been worked out by the Wisconsin Industrial Commission in its effort to make a thorough investigation of the legality of employment of injured minors.

All industrial injuries to employees, both minors and adults, must be reported by employers subject to the act to the industrial commission. Shortly after they are received by the commission all reports of injuries of persons reported as under 19 years of age are sent for verification of age and for investigation of legality of employment to the child-labor department of the commission, which is responsible for the administration of the State child labor law. During the first few years after the extra-compensation law became operative the ages of all injured workers reported as under 21 were verified, but the checking of the ages of those reported as 19 or over was discontinued, because of the time required to do it and because the ages of relatively few minors who were reported as 19 or over were found to have been overstated. This might be expected from the fact that under the Wisconsin child labor law 19 is three years above the age up to which the hours of labor provisions apply, two years above the age limit for employment certificates, one year above the highest age up to which practically all prohibitions as to hazardous occupations apply, and one year above the age limit for attendance at continuation school.

Investigation of age and permit status.

As the law requires that duplicate copies of all work permits and age certificates issued in the State be filed with the industrial commission (see p. 59), the first step in the investigation consists in checking the report of an industrial accident to a minor under 19 years of age with these records. The commission itself in its Milwaukee office issues all permits for minors employed in Milwaukee, nearly half of those issued in the State; moreover, as was said, the issuance of permits throughout the rest of the State is under the authority of the commission, and the commission also makes all inspections under the child labor law. In consequence of the effectiveness of the administration of the law, the permit records on file in the offices of the commission are unusually complete.[66] For this reason in most cases a search of the records is all that is needed. When the records do not yield the necessary information as to the minor's age or certificate status, form letters (see Forms A and B, printed on p. 226) are sent to both the employer and the injured minor asking for information as to age and as to the nature of the documentary evidence on which the statement of age is based. The employer is also asked whether or not he had a permit on file in accordance with the law. A query as to whether a permit was on file is printed on the form on which the employer reports the accident to the industrial commission, and the employer is also asked to give the date of birth of all injured persons whose ages are reported as under 18. If no duplicate certificate is found, and the employer has reported that he had a certificate on file, a letter is sent him for the purpose of obtaining further information regarding the certification status of the minor. The necessity of this step is shown by the fact that in 120 (80 per cent) of the 151 cases included in this inquiry in which the employer stated on the accident report that a permit was on file no permit was found. Sometimes it is found that the minor had had a permit by which the employer thought he was properly protected, but that this permit was for another employer or was the wrong kind of permit or had expired before the accident occurred. More often he had not had a permit at all.

If after a reply from the employer doubt still exists as to the minor's age or certificate status, inquiries are frequently sent the local certificate-issuing officer. If the desired information as to the minor's age is not obtained through this correspondence, a request is made of the State or county health departments for a birth record. When these efforts fail, in a further effort to obtain the correct date of birth, inquiry is made of school or church authorities or of other persons in the locality where the minor was injured. Although extended and persistent correspondence, interviews, and in some cases, special investigation are necessary, the commission states that cases

[66] That permit issuance is unusually complete in Wisconsin is shown in a study of the employment of children in canneries made by the Children's Bureau in 7 States, in which a much higher proportion of the employed children who should have had certificates had them in Wisconsin than in any of the other 6 States included in the study (97 per cent under 16 as compared with from 14 to 46 per cent under 16 in the other States, respectively). See Children in Fruit and Vegetable Canneries, p. 20 (U. S. Children's Bureau Publication No. 198, Washington, 1930). For an account of the measures used by the Wisconsin Industrial Commission in the supervision of permit issuance throughout the State, see pp. 203–205.

are rare in which reliable proof of age can not be discovered in the end.

The investigations of the commission show the necessity of making a careful check on the injured minors' ages. In two-thirds (67 per cent) of the extra-compensation cases included in the present inquiry the minor's age had been incorrectly stated by the employer in reporting the accident. In practically every such case (621 of the 623) his age was given as older than it actually was at the time of injury. Approximately half (49 per cent) of these minors were reported as 2 years or more above their true ages, including many reported as 3 or 4, and one as 10 years older. Cases like the following were typical of the variation between the injured minors' actual ages and those reported by the employer.

The year of birth of an injured girl was given as 1902 on the employer's report of the injury. In answer to a letter from the commission the girl stated that her father had told her she was born in 1903, but she obtained a baptismal certificate for the commission which showed her to have been born in 1904.

All papers relating to one girl's employment, and signed by herself, gave her age as 19. When asked after the accident how old she was she said 18. She really was 16.

A boy whose age was reported as 21 on his accident report had said he was 20 when employed. He was really only 15.

According to the employers' reports of the accidents occurring to the minors who were found by the industrial commission to be illegally employed, 65 per cent were 17 or more years of age and 27 per cent were at least 18. Investigation showed that in fact only 6 per cent were 17, and none was older. Overstatements of age were most frequent for those whose actual ages were 15 or 16 years. Children under 16 were much more likely than the older minors to be reported as several years older than their actual ages—37 per cent of those under 16 whose ages were stated by employers as 16 or over were reported as three or more years over their actual ages as compared with only 3 per cent of those of 16 and 17 whose ages had been overstated. Ages were more than twice as frequently overstated in cases of violations of the permit law than in those in which the only violation was employment in a prohibited occupation, doubtless largely because of greater familiarity with the permit law.

The explanations given by employers for misstatements appearing on accident reports as to the ages of injured minors show clearly the principal reason why violations of the child labor law occur; namely, carelessness in hiring children and young persons without obtaining reliable proof of age. Many employers admitted that they had not even asked prospective employees their age. Sometimes, apparently the first time the employer thought of inquiring into the minor's age was after the accident had occurred. Indeed, in some cases such an inquiry does not appear to have been made until after the commission wrote to the employer asking for the source of information on which his statement of the minor's age was based.

Some employers had accepted without question the minors' statements as to their ages or the statements of their parents or other relatives. Others had accepted affidavits from parents in lieu of birth or baptismal records. Still others had permitted minors to go to work while waiting for permits or for other proof of age which

the minor had promised to get. As there are fewer restrictions on the employment of older minors and the wages are higher for the older group, misrepresentations as to age on the part of both the children applying for work and their parents are frequent, and the employer who does not require reliable documentary evidence runs a great risk.

The following are employers' explanations of their failure to require proof of age, and are typical of many. All minors referred to were found to be actually 16 years old.

When this boy was employed we had no reason to think he was under age as he was apparently a full-grown man and doing a man's work, and from our personal acquaintance with him and seeing him with others about the city we did not suspicion he was under 17.

He was at least 6 feet tall and smoking a big black pipe. No one would question his age.

The boy looked 21 or 22. Had a beard and would be taken to be a man of this age by mostly any one. (His age had been reported as 18.)

He is a man grown and has belonged to the State guard since they were organized in this town two years ago.

This boy was very large for his age and stating at the time he entered our employ that he had served in the Navy, we did not question him any further. In regard to preventing any further mistakes of this kind we have decided that hereafter we will attend to the employment of help personally.

This boy had every appearance of a 20-year-old. He drives his own automobile and weighs probably 150 pounds.

Inasmuch as this girl had been employed elsewhere in Waukesha, our superintendent took it for granted she was at least over 17 years; she appeared over 20.

The mother insisted that this boy was 18 and that he just had to have work. The old appearance of the boy completely threw us off.

This boy said he was 17 and looked so old (18 or 19) that the superintendent did not ask for birth record as he should have.

A case that illustrates the serious consequences which may result from a failure on the part of the employer or his representatives to inquire into the ages of young persons they employ is that described on page 122, in which the proprietor of a machine shop had to pay extra compensation of more than $2,000 to a boy of 16 who was injured the day after he began to work. According to the statement of the shop superintendent who had hired the boy, the firm did not customarily employ boys as laborers, as the work was too heavy for them. When asked at a hearing on the case how he came to hire this boy, who all agreed had not been questioned about his age when employed, he said, "Well, it never occurred to me that the fellow was not of age to do the kind of work I hired him for. * * * I never asked him, for the reason that I just sized him up to be 20 years old. I should say he was about 5 feet 7. Probably he is better than that—5 feet 7 or 8. He looked to weigh about 160 pounds—165." However, when asked at the time of the hearing (the boy was then 17) how old the boy then looked to him, the same superintendent said that he thought he looked "about 17 or 18."

Of a boy who had overstated his age by two years, both verbally and in writing, and on his statement that he was 18 years of age had obtained work without further investigation and sustained an injury the following day, the employing company wrote as follows:

The man was 5 feet 11¼ inches in height, weighed 163 pounds, and had every appearance of being at least 20 years of age. No one encountering the man would take him to be less than 20 years of age. We have always been extremely careful and do not rely upon the statement of an applicant for work in respect to his age, unless his physical appearance is such as to remove all probability of an overstatement by the applicant. In this case, the appearance of the applicant could not possibly raise the slightest suggestion that he was telling us a lie.

On the basis of their experience in this case (the payment of extra compensation amounting to more than $400) the company raised the age under which they would require genuine proof of age of their employees to 20 years.

Another employer wrote that "the good-heartedness of this company in putting this man to work on the promise that sufficient proof of birth would be forthcoming, substantiating his telling us that he was 18 years of age, has caused us this poor standing with the commission." One boy's explanation of why he had no permit was as follows:

When I started to work they gave me a letter and told me to get a permit and then I came to this office [the Milwaukee office of the commission where permits are issued] and was given a blank to take to the principal of the school, which I did. After he filled it out I took it home and left it there and thought that was the permit. No one said anything more to me about a permit.

Sometimes the trouble arises not so much from carelessness as from ignorance or misunderstanding of the permit law. For example, some employers had accepted school records or other papers, such as baptismal records or insurance policies, that they thought were permits. One employer reported that he did not have a permit for a child because he had been told by the local issuing officer that a permit was not necessary, the issuing officer doubtless having merely informed him that permits were not necessary for minors over 17. An occasional employer was so ignorant of the provisions of the child labor law that he thought it was sufficient to obtain the parent's consent for the employment of minors subject to the law.

Several employers who had made a conscientious effort to obtain proper evidence of age for applicants claiming to be over permit age were found to have been taken in by fraudulent or altered birth or baptismal certificates. For example, an injured boy's age had been reported as 18, which was correct according to a birth certificate brought the employer by the boy when he applied for work. When the employer, on receiving the special-report form sent out by the commission, inquired further as to the minor's age, a baptismal certificate was brought him showing the boy to be only 16. The boy when applying for work had used a given name which was not his own and the birth certificate probably belonged to a brother. Had age certificates been issued in Wisconsin at the time this boy was hired (see p. 59) and the employer had asked the boy to get one, such a deception would not have been possible.

The difficulty the commission sometimes meets in its effort to ascertain the correct ages of injured minors and the long and persistent work that may be required before this end is achieved is illustrated by many cases, of which the following are typical:

When Arthur B was injured in January, 1918, the commission wrote his mother for verification of his birth date. She returned a signed affidavit saying that the boy was born July 7, 1899. This was questioned, and she then

sent the commission a birth record giving July 7, 1900, as the date of birth. This record, however, was for a boy of a different name than that of the one reported as injured, but this was explained by the statement that he had in later years been using his stepfather's name. The Milwaukee office in checking through its files found that a permit had been issued to two Arthur B's, one of which was issued in 1915 on a birth record giving the birth date of July 7, 1900, and the other in 1918 on a birth record giving the birth date of July 8, 1903. A conference was held with the boy in the Milwaukee office of the commission, and as he gave correctly all the information entered on the first-named permit without seeing it, July 7, 1900, was finally accepted as the correct birth date.

A boy's age was entered as 17 on the report at the time of his accident and on the special-report form returned to the commission by the employer; on the latter, however, his date of birth was given as May 8, 1903, which would have made him 16 years of age, the authority given for this date being "parent's word." When the accident was investigated by a deputy of the safety department, the boy's father reported to the investigator that he was 16. However, in a letter to the commission the father and mother gave May 8, 1904, as the correct date, making the boy 15, and later at a hearing the mother stated that the boy was born in 1905, this making him only 14 at the time of injury. No documentary evidence could be found, but in view of the fact that the boy was employed without a permit and all the testimony indicated that he was under 17, the commission awarded extra compensation.

During the last few years Wisconsin employers have had an official means of ascertaining the true ages of minors who claim to be over permit age and thus can protect themselves against the unintentional employment of minors illegally. In 1925 a law was passed providing that the industrial commission and its deputized certificate-issuing officers be empowered to issue certificates of age to minors above permit age. (See p. 59.) When such certificates are obtained, the employer has no legal responsibility if falsified evidence of age is presented or if certificates are issued to minors under assumed names, and the possibility of such fraud being practiced is greatly lessened because the permit-issuing officer who passes on the evidence presented is experienced in determining the validity of such evidence and therefore much less likely to be deceived than the employer.

As an illustration of the difficulties that employers may avoid by requiring certificates of age of minors applying for employment and of the thoroughness with which the commission investigates, the following case may be cited.

A boy applied for work in a certain factory stating that his age was 18 years. The employment manager communicated with a company by which the boy said he had been employed formerly and learned that it had a birth record on file showing him to be the age he claimed. Not long afterwards he was injured. As his age was reported as under 19 the case was referred to the child-labor department of the commission for investigation as to legality of employment. The amount of trouble taken in this investigation and the facts discovered are best related by quoting from the following report made by the deputy who had charge of the investigation:

"With the help of Mr. A [employment manager] of the manufacturing company where the boy was injured we have been able to get a proof of the age of the above minor.

"A letter to the injured did no good, so Miss C [another deputy of the commission] went out to the home. They had moved, but the neighbors gave the new address and incidently stated that the boy was not using his correct name and age. Miss C then went to the new address. The mother said that she had no proof of age but filled out a parent's statement saying that the boy was born in Michigan. She signed her name Jennie Carr. I was not satisfied with this so I went out to see Mr. A. After interviewing a brother-in-law who works at their factory we visited two factories in an endeavor to locate the boy. He had been fired from the ——— Candy Co. Tuesday, and the

brother-in-law said he left the house Thursday morning, but the mother would not admit this.

"The boy's correct name is James Elton. He was born April 23, 1911. He was using an uncle's name and birth record (Harry Stanislawski). The mother, her father, and brother go by the name of Carr. She said that they just took that name. She is married the second time now and her correct name is Mrs. Raymond Williams. Apparently the boy, James, uses any of these names.

"The mother not only encouraged the boy to lie, but also tried in every way to give us the wrong information. The brother-in-law, uncle, and grandfather all knew he was using the uncle's name, for they were working where he worked. He has worked for the ——— Co., the ——— Manufacturing Co., and the ——— Candy Co. under the name of Frank Stanislawski. The ——— Candy Co. did not check up on his age, but the others did."

The company employing this boy at the time of his injury had previously been careless about the employment of children and had had to pay extra compensation in an earlier case, in which a boy of 16 had been employed without a permit. Ever since this earlier experience the employment manager had asked for a birth certificate or a baptismal record in all doubtful cases, but he had not kept up with legislative changes sufficiently to know that he could obtain an age certificate which would protect him fully in such cases.[67] Fortunately for the employer, the amount of the penalty in the last case was less than $10, but the employment manager who had been so cooperative in obtaining the facts in the above case was much concerned lest through it his company would lose their good standing with the commission. He wrote that in the future extra precaution would be taken in the employment of boys and that the company would "make it a point to get records of birth direct from the commission hereafter"; that is, to obtain State certificates of age.

Investigation as to employment in prohibited occupations.

Injuries that appear to have occurred to minors employed in prohibited occupations are frequently referred for special investigation to the inspectors of the safety and sanitation department of the commission. In such cases the inspector may also make local inquiries as to the employee's actual age and certificate status. In addition to the investigation of these specially referred cases in which illegal occupation is suspected, all cases of severe injuries both to adults and to minors are investigated by this department to determine the cause of the accident, the character of the occupation, and, in the case of young persons, the age of the injured.

Inspectors of the safety and sanitation department had investigated 21 per cent of the cases of minors included in this inquiry for whom information on this point was available; they had investigated 40 per cent of the cases in which the injured minor was found to be employed in prohibited occupations. Investigations by this department were most common for injuries caused by machinery, 48 per cent of which had been investigated. On the other hand, investigations by this department had been made in only 5 per cent or less of the injuries caused by vehicles, handling objects, or hand tools, in which the minor's employment in a prohibited occupation was not so likely or was more easily determined.

PROCEDURE IN OBTAINING PAYMENT

When the child-labor department of the commission, which makes the investigation as to legality of employment, finds that an injured minor is entitled to extra compensation, it sends a letter to the employer, referring to the law and explaining his responsibility for

[67] This accident occurred July 7, 1927, and the provision relating to age certificates was approved June 9, 1925.

the extra payment. Following is the type of letter sent out by the commission in this connection:

DECEMBER 10, 1927.

——— —— Co.,
——, *Wis.*

Re: Injury to ——— ———

GENTLEMEN: Our records show that this boy was injured while in your employ on November 8, 1927, that he was under 17 years of age at the time of his employment and injury, having been born on August 30, 1912 (public birth record), and that you had no labor permit on file authorizing you to employ him, as required by section ——— of the statutes. The record further shows that this young boy was injured at work that is prohibited to any minor under the age of 18 years, in the fact that he was cleaning dangerous and hazardous machinery in motion. Due to the fact that this boy was injured while employed in violation of law, he is entitled to treble compensation for his injury, formal notice of which you will receive from the compensation department within a few days.

Apart from the extra compensation, the law provides a penalty of $10 to $100 on the employer for each day that a child is employed in violation of the law. On the face of this record, you have incurred these penalties in this case. The commission will be pleased to consider any reasons that you may desire to offer as to why these penalties should not be enforced against you.

Very truly yours,

INDUSTRIAL COMMISSION.

Some employers are found to be unfamiliar with the child labor law or the provisions of the workmen's compensation law relating to injured minors, so that it is necessary for the commission to inform them fully in regard to these provisions before they understand their obligation to pay the extra compensation even in cases in which the employee has misstated his age. Much correspondence is sometimes needed in explaining to the employer why he is liable for the payment. The commission continues to follow up the employer, by correspondence or through interviews if necessary until payment is made. If the employer is delinquent in paying, or unusually slow, or has been a frequent and flagrant violator of the child labor law, prosecution under the child labor law may be started, but this has seldom been found necessary. The commission is of the opinion that in most cases the penalty of the extra compensation is sufficient to serve as a deterrent to future violations of the law. The fact that relatively heavy penalties may be imposed for violations of the child labor law, however, doubtless facilitates the collection of extra compensation in some cases.

The commission is not required by law to approve settlements in cases in which no dispute is involved and does not formally do so. In such cases, however, the reports that the law requires to be submitted to the commission by the insurance company, the employer, and the employee's physician are checked against each other to see that the settlement is in accord with the terms of the law so far as these reports show, and if it is not, the employer or the insurer, whichever is delinquent, is ordered to pay the amount due under the law. More careful attention is given to cases of fatalities and serious permanent disabilities than to temporary injuries. In many cases the injured parties, or in fatal cases their dependents, are communicated with, inquiries are made of doctors in attendance, and in some cases deputies of the commission visit the injured parties to obtain information as to the nature and severity of the injury and the length

of disability. The commission also encourages claimants and employers to consult its officials informally as to their rights or duties under the law, not only at its offices but in places where it holds hearings in different parts of the State, notices of such hearings being sent to the local newspapers with the statement that the commission will be glad to be consulted informally at such time.

All disputed cases are passed upon by the commission after hearings, which are granted, upon application of either party, before the commission or one of its members or one of its examiners, and which are followed by formal awards. On the basis of the records of the case and the testimony taken at these hearings awards are made by the commission as a unit. In undisputed cases in which the commission believes it desirable to make a formal award for some special reason, for example when relatively large sums due minors illegally employed are commuted and placed in trust during the minority of the injured person (see p. 76), the commission also makes an award. The commission estimates that about 12 per cent of all the cases in which compensation is due come to the commission for hearing and decision. An appeal may be taken from the commission's decision to the Circuit Court of Dane County and from that court to the supreme court of the State.

It is the aim of the commission to check up on the actual payment of compensation in the case of all persons entitled thereto as effectively as its means will permit. In all cases except those in which the commission has entered an award a receipt signed by the injured person, commonly known as a release, must be filed with the commission stating the amount of compensation received. As awards are entered chiefly in disputed cases, and as in such cases the injured party is usually represented by an attorney whose interest it is to see that the award is collected, it is safe to say that the compensation awarded is usually paid in such cases if funds are available.[68] In all cases other than award cases in which the necessary releases are not received, the policy of the commission is to write for them and to follow up the cases. Cases are not regarded as closed until the releases are received.

In all extra-compensation cases except those in which awards are entered, the commission requires two releases signed by the injured minor, one for the ordinary compensation, which is filed by the insurance carrier or by the employer if a self-insurer, and a second for the extra compensation, which is filed by the employer, stating that the employee has received from the employer the specified sum due him under the law. It is the policy of the commission to close the case only when receipts for the primary and for the additional compensation have been received. If the employer does not pay, the insurance company is liable under the Wisconsin law for the increased compensation. Cases in which both employer and insurance company lack funds to pay are very rare. In only 9 of the 819 cases included in the present inquiry for which releases were required, and for which information on this point was available, had no release

[68] Although not required by the commission, releases for both primary and extra compensation were received in 42 of the 143 award cases included in this inquiry, and a release for either the normal or the extra compensation in 34 cases, the numbers together constituting 61 per cent of the award cases for which a report as to releases was made.

been received,[69] and in 1 of these 9 the money had been sent the commission to pay the boy, making unnecessary the filing of receipts. In the 8 other cases the commission had obtained evidence by correspondence or other means that satisfied it that compensation had actually been paid, so that it felt justified in closing the cases.

Although in 46 of the 819 cases only one release had been received—in 8 cases the missing receipt was that from the insurance company and in 38 cases that from the employer for the additional compensation—the records in only a very few cases showed that the money for which the receipt was missing had not been paid. The lack of the receipt was usually due to the fact that after repeated efforts on the part of the employer and the commission the injured minor could not be located. In one other case an employer had refused to pay the penalty—a relatively small amount—and the commission wrote the injured boy asking that he make application for a hearing but never received any reply and finally closed the case. Most of the records show, however, that the commission had closed a case only on evidence which it regarded as reasonably conclusive that the compensation had really been paid. For example, a properly signed paper or letter from the injured minor, stating that compensation had been paid but not specifying the exact amount received, though not regarded by the commission as a proper release, was regarded, if the amount involved was small, as sufficiently good proof of payment to warrant closing the case. Almost all the other cases were ones in which only small amounts were due, a number involving the payment only of wage loss, and the commission had closed the case on the assurance of the employer that the money had been paid but that he could not get hold of the injured minor to sign a release.

As might be expected, it is more difficult to obtain the payment of the additional sum representing the extra compensation from the employer than the primary compensation from the insurance company, and the time needed to close such cases is often relatively long. Frequently a lengthy correspondence is necessary. In 67 per cent of the cases payment of the extra compensation was not made until after payment of the ordinary compensation. The release for the extra compensation was not received in 241 (29 per cent) of the cases until six months or more after the insurance company had paid the ordinary compensation; in 87 cases (10 per cent) a year or more had elapsed, and in 25 cases (3 per cent) two to five years.[70] Often the delay was due solely to a legitimate cause—frequently to the length of time required to find out the real age of the minor, or to establish the fact of employment, or to determine the identity of the actual employer, as in the case of minors employed by subcontractors or those who had been given work by some foreman or subordinate or those the employer claimed had started to work without any proper authority; sometimes to the fact that

[69] In addition, releases were missing in 67 of the 143 cases in which awards had been made and in which releases had not therefore been required. In 91 (10 per cent) of the total number of extra compensation cases the information as to releases was not available, in most of these cases because the papers relating to this matter had been destroyed before the time of the inquiry.

[70] In 27 per cent of the cases for which such information is available the last release was received and the case closed 1 year or more after the accident occurred; in 8 per cent of the cases, 2 years or more, and in 20 cases (2 per cent), 3 years or more. (See also footnote 4, p. 52.)

payment could not be made because the minor had moved and could not be located; sometimes to the fact that settlement of the case was held up pending a court decision or pending the action of the court in a similar case. A few employers had gone out of business or were unable to pay and time was consumed in getting a settlement, which in some cases finally came from the insurance company. Other delays that could not be charged to willful neglect on the part of the employer were due to changes in management. In a good many cases, however, it was only after persistent efforts on the part of the commission that the employer saw the necessity of making payment, and had such efforts not been made it is doubtful whether the injured minor would have received any of the extra compensation to which he was entitled.

Even the receipt of a properly made out release signed by the injured employee is not absolute proof that the extra compensation has been paid by the employer. Occasionally a case is brought to the attention of the commission in which an attempt has been made or at least considered by the employer to obtain a false release in collusion with the injured minor and his parents. In one case an officer of the company concerned called at the office of the commission to see if the payment of the extra compensation (which amounted to $292.60) could not be avoided in whole or in part. Among other proposals for settlement he suggested that if satisfactory to the boy he obtain a release from him without paying him any money at all. It was explained to him that the payment of extra compensation was required by law and that the commission did not have the power to approve any settlement which did not meet the legal requirements. Not long after this the injured boy accompanied by his parents called at the office of the commission and stated that the company had given him a check for the full amount but had made an agreement with him whereby he should return half the amount to the company on the understanding that the company would furnish him with steady employment at good wages.

In another case the employer's attorney wrote the commission that the boy and his father were willing that the $1,014 extra compensation due the boy be returned to the employer on the condition that the latter apprentice him for three years. In reply, the commission stated that this was the first time it had heard of a case in Wisconsin in which an apprentice was willing to pay for his apprenticeship—the Wisconsin apprenticeship law in fact providing for the payment of wages to a minor—and that if the father of the boy took this attitude the commission would enter a formal order authorizing the payment of the extra compensation to a bank to be held for the boy until he came of age (see p. 76).

Another employer, angered with a boy because he had misstated his age when he applied for work, sent him a check for the amount due with a letter suggesting that he indorse it and return to the employer uncashed. In a number of cases in which the injured minor or his parents or both had been guilty of overstating his age at the time he obtained employment, the parents themselves were reported as having waived all claims or as being unwilling to accept payment of the extra compensation. Whenever such a case came to

the attention of the commission every possible effort was made to get the injured minor to accept the compensation and the case was kept open and correspondence continued until a release was obtained.

MANNER IN WHICH PAYMENT IS MADE

In cases of double or treble compensation the total amount paid is often large. If the additional as well as the primary compensation is paid in weekly payments it may amount, especially in cases of permanent and other serious disabilities, to much more than the wages the minor was receiving when injured or than he would be likely to receive if he returned to work, and more than is absolutely necessary for his support. The temptation to immature persons to waste the money, and to some parents to spend the money other than in a way to benefit directly the minor himself, may be great. In a study of the operation of the extra compensation law in New York, where compensation payments are unusually large and are usually made weekly,[71] it was found that few, even of those who were permanently injured and who had been awarded large amounts, had saved any part of the money or had spent it on education or in other profitable ways. (See p. 47.)

The Wisconsin workmen's compensation law gives the industrial commission authority any time after six months from the date of an injury to order payment of compensation in gross or "in such manner as it may determine to the best interest of the parties." This provision has been interpreted as giving the commission power to conserve the compensation funds due injured persons[72] by placing them in trust for a period of years under the supervision of the commission, and this practice is followed in cases of both minors and adults in which awards are large and there is reason to believe that the money would be unwisely spent or wasted if paid in the usual weekly installments or in a lump sum.

This procedure is common in the cases of minors injured while illegally employed, as the total amount of compensation awarded may be considerable. The commission frequently orders the entire amount of the additional award, and sometimes all or at least the unaccrued part of the primary compensation as well, to be paid in a lump sum to a guardian appointed by a court of competent jurisdiction and responsible to the court. The guardian is responsible for seeing that the money is properly spent or invested until the minor reaches his majority. In the appointment of guardians the court usually follows the recommendation of the commission, which prefers banks or officers of banks in this capacity, but it sometimes appoints disinterested persons in the community in which the injured minor resides who are of good general reputation and willing to take the responsibility; for example, in Milwaukee County the

---

[71] The section of the New York act (Consolidated Laws, ch. 67, sec. 25, as last amended by Laws of 1930, ch. 316) providing that the industrial board may whenever it shall so deem advisable commute the periodical payments due the injured person or, in case of death, his beneficiaries to a lump sum "provided the same shall be in the interests of justice," has been interpreted by the New York courts to permit the board to commute payments only in particular and exceptional cases and does not permit the board to make a sweeping rule applying to all or even a certain class of cases. Each case must be considered by itself. (Adams *v.* N. Y. Ontario & Western Ry. Co., 175 App. Div. 714 (1916). Affirmed 220 N. Y. 579 (1917).)

[72] Allegrini *v.* Industrial Commission of Wisconsin and Kohler Co., decided by the Circuit Court of Dane County (Dec. 6, 1927).

public administrator[73] who has consented to serve as guardian without pay has been named in a number of cases. Although parents or other relatives may serve as guardians, the commisison believes it is usually best not to have them appointed.

The commission may also order the money placed in trust with some specified bank or trust company, to be "invested in good interest-bearing securities," or it may order it paid to the account of the injured minor at a bank named in the award and placed in a savings account or invested in securities selected with the approval of the bank and placed in this bank as though in trust. In order that the injured minor's money may be conserved properly, the commisison sometimes makes an award ordering the disposition of the money by one of the above methods even in cases in which an agreement for compensation between the parties would otherwise be entirely acceptable.

If the money is placed in the care of a bank or guardian, the commission orders that it be held in trust at least until the minor reaches his majority and in some cases longer, that is, for a specified term of years (usually five), no payment, at least of the principal, being permitted until the termination of this period, except with the approval of the commission. In some instances no time limit is fixed for the period of the trust. Usually when the bank is instructed to invest the money and sometimes also when money is held in a savings account, the bank is ordered to pay the injured minor the interest on his money as it accrues, but in a few cases this provision is not specifically included in the award. Although the chief responsibility for the selection or approval of investments is placed upon the bank or guardian, the commission frequently indicates the type of investment that it considers appropriate.

As the object of this procedure is to insure that compensation which is not needed for current living expenses be conserved to procure education or training for the injured minor or for his use when he is capable of using it to better advantage than during his minority, great care is taken by the commission to see that the money is not spent in unprofitable ways. All requests for funds must be submitted to the commission. Correspondence, conferences, and frequently investigations by members of the staff are made the basis of the commission's decision as to whether the money should be paid the minor. Advances needed to pay living expenses or doctors' or dentists' bills are inquired into carefully. Money is sometimes advanced to help pay expenses of education or training; but the progress of such training is watched and the funds are withheld if it is discontinued or if the minor is found to be neglecting it or not giving his best efforts to it.

The commission does not usually permit the money to be used in loans to members of the minor's family, even when secured by mortgages on the family's property, or to be used for the purchase of a house or a business for them, though in rare instances such requests may be granted if after careful investigation it seems to the best

[73] The public administrator of Milwaukee County is an appointee of the Milwaukee County Court who is authorized to take charge of the estates of certain persons dying without a will and who may be appointed to act as administrator of such estates in certain cases. (Private and Local Laws of 1870, ch. 120, as amended by Private and Local Laws of 1871, ch. 471, and by Laws of 1917, ch. 417.)

advantage of the minor. In such cases the commission requires that the transaction be in accordance with the regular legal practice in making any other loan and that interest be paid. Special caution is also used before approval is given to requests for money for use by the minor himself in some business enterprise of his own, and such requests are frequently refused on the ground that the enterprise is too risky, or the minor too young to undertake it, or on both these grounds.

No study of the way in which compensation money was spent was made by the Children's Bureau, but correspondence in the files of the commission in some cases indicates the purposes for which payments had been approved or refused, as well as the care taken by the commission to see that requests were not granted in the absence of reasonable assurance that the money would be used profitably. The following cases have been selected as illustrative:

A boy of 16 lost an eye through an industrial accident. This was in 1918, but as the claim for extra compensation was not settled for five years, the boy had passed his twenty-first birthday when the award was made. Although he had reached his majority, the commission ordered the employer—on the ground that it was "to the best interest of the parties" involved to do so—to pay the total amount of increased compensation ($3,347.54) to a bank to hold for the injured minor "until such time as the commission may otherwise order." About four months later the injured person asked for $500 to start an ice-cream business. His request was not granted. Three months later he wanted $3,000 to enable him to go into a second-hand automobile business. The commission believed that the business relations involved in this undertaking were too indefinite to warrant their approving it. Two months later, however, he was allowed $300 to buy accessories to repair automobiles, and a little more than a year after that he was allowed $500 to go into a garage business with his brother. Nothing further is recorded for more than three years when he was allowed $197 to pay a board bill and buy some clothes, indicating that his business ventures had not been successful. At the time of the entry with reference to this payment, which was the last recorded at the time the record was read, the injured party was 27 years of age, and $2,350.54 of his principal remained in the bank.

A boy of 14 lost part of his finger while working in a leather factory. Payment of several weeks' accrued compensation by the insurance company resulted in the boy and his uncle, with whom he lived, stopping work for several days in order to spend the money. The uncle expressed the wish that the money be paid to the boy in a lump sum. After the accident the boy's mother, who had never taken any interest in him, wanted him to come to live with her, apparently to get control of the money. As the boy had regular employment and was said to be earning more than before the accident, the insurance adjuster recommended that the weekly payments be stopped as "any payments we make now merely result in the squandering of the money," and that the balance of the money be put in trust until the boy reached his majority. The commission therefore ordered that $1,329.68 (the residue of a total award of $1,404.52) be paid to a bank to be held for his benefit. Two months after the award the boy's grandmother, who lived with him and his uncle, wrote to the commission asking for $100 to pay a dentist's bill and to buy an overcoat for the boy, who was not working because of another accident for which he was not entitled to compensation. After a conference with the boy and his grandmother the commission authorized the bank to advance $50. A few months later the commission authorized the payment of another $50 to pay for groceries and provisions, as the boy had not worked for six weeks. A half year later application was made for $1,000 to put into a second mortgage on real estate owned by another uncle. The commission approved this on condition that the uncle give the boy a second mortgage note and also deposit as collateral security with the bank $2,000 worth of a specified issue of stock which the uncle owned. This $1,000

was repaid in about two years' time. A little later the boy was allowed $15 to pay a doctor's bill and a year later $50 for current expenses, as he had been laid off from work for five weeks. Two years later, when he was about 20 years old, he asked for $75 to defray current living expenses and to buy a suit of clothes, claiming that his salary was too small to do more than pay for rent and food. Next he asked to have all of his remaining compensation money paid to him, and later again asked for money for a suit. None of these requests was granted, as the boy said he had been working steadily since the accident and the commission therefore judged that he had no real need for the money requested. Actually the boy had been a drifter ever since the accident and had been frequently out of work. The final record in the case was a written request from the boy the day before he was 21 asking that he be given the money to invest in a building and loan association.

In another case a boy was permitted as a means of saving his compensation money to invest it in a loan to his mother for use in building a 2-family house. The boy had not worked since his accident, and the commission believed his mother would probably have to support him during her lifetime. As under the terms of the award the money would have to be released to him in a couple of years anyhow, the commission felt that to permit his lending money to his mother for this purpose would conserve the funds. The mother was expected to give the boy a mortgage on the property as security, and the commission suggested that the mortgage when recorded and the notes which the mortgage secured be filed with the trust company which had previously had charge of the boy's money.

EDUCATION OF EMPLOYERS TO PREVENT ILLEGAL EMPLOYMENT

Besides making every effort to see that extra compensation is paid, the commission does what it can to assist employers to avoid becoming liable for such compensation. In a few cases, especially those involving small or newly established concerns or concerns whose proprietor or person responsible for the hiring of employees has recently come from another State, the occurrence of an extra-compensation case finds the employer really ignorant of the provisions of the child labor law. Far more frequently, however, the employer, although familiar in general with the child labor law, does not realize that care in obtaining proper evidence of age for young persons applying for jobs is essential if he is to comply with the provisions of the law. (See p. 59.) In order to acquaint employers with the extra-compensation provisions and assist them in avoiding the employment of minors illegally, the commission has adopted a number of measures.

Copies of the child labor law and circular letters explaining its provisions and the machinery established for its enforcement are widely distributed throughout the State by the commission, not only to companies found to be violating the law but to many others. The following general circular letter addressed to employers of children is usually sent to employers of injured minors with whom the child-labor department of the commission corresponds. This circular letter is also distributed generally to employers throughout the State by the commission and also by the various compensation insurance companies to their policyholders. The commission states that scores of thousands of these letters have been distributed by insurance companies as, because of their secondary liability in extra-compensation cases, they are interested in having their policyholders as well

informed as possible regarding the requirements of the child labor law.

To Employers of Children:

We take this means of again calling your attention to certain provisions of the law relative to the employment of minors and to the dangers incident to their employment in violation of law.

Labor permits.

Section ——— of the statutes forbids the employment of a child under 17 years of age unless the employer *first* has on file a labor permit issued by the industrial commission, or some person designated by it, authorizing him to employ the child. A permit authorizing the employment of the child by some other employer is not sufficient. This provision of the law applies to the employment of minors at any time during the year, whether school is in session or not. The permission of the parents of the minor or of any other unauthorized person for the employment of the minor, is not sufficient and does not protect the employer against the penalties and liabilities provided for violation of the law.

Prohibited employments.

Said section ——— also contains lists of employments which, because of their proved hazardous character, are prohibited to minors of different ages regardless of whether the minors have labor permits or not. You should familiarize yourselves with these prohibited employments and never allow a minor under the legal age to engage in any of them.

Double and treble compensation.

The following provisions are contained in the workmen's compensation act:

(*a*) If a minor of permit age is injured while employed without the required permit in otherwise lawful employment, he shall be entitled to double compensation for the injury.

(*b*) If a minor of permit age is injured while employed without a permit in any place of employment for which permits may not be issued under written resolution of the industrial commission, he shall be entitled to treble compensation for the injury.

(*c*) If a minor of permit age or over is injured in prohibited employment, he shall be entitled to treble compensation for the injury.

The employer must pay the extra compensation, which in a maximum case is $39,000.[73a] He can not insure this risk. This provision for extra compensation was suggested by employers to relieve them of the uncertainties of common-law liability in these cases, while at the same time allowing the injured minor such a sum of money as the records indicated he would be likely to get in a suit at common law; minus attorney's fees and other expenses.

Statutory penalties.

The penalty for violation of the law is $10 to $100 for each day and each instance of violation. These statutory penalties must not be confused with the provision for extra compensation for injured children.

How the employer can protect himself.

To protect yourself against the danger of incurring these losses, (1) never employ a minor under 17 years of age without first having on file the required labor permit authorizing you to employ him and (2) never allow a minor to work at employment prohibited to a minor of his age. The further suggestion is offered, that our records clearly show that those employers who have placed the hiring of minors in the hands of some *one* competent person, holding him responsible for results, are making the best records and traveling the safest road.

Representations of minors or others regarding the ages of minors.

There is no safety in the practice of employing minors who claim to be over 17, on their representations of age, or the representations of others, whether oral or written, or in the form of affidavits; nor is there any safety in the practice of employing such minors on the strength of their size and appearance as proving them to be over 17. Genuine proofs of age, such as copies of birth or baptismal records, should be required. Documents submitted in proof of

[73a] $42,000 since 1931. See footnote 24, p. 54.

age should be carefully scrutinized to make sure that they are genuine and have not been tampered with. Bogus documents are of no value. If the employer allows himself to be deceived regarding the age of a minor, no matter how, and employs him in violation of law, the employer is liable. Subsection 6a of section ——— provides a procedure by which the age of a minor, who claims to be over 17 and unable to furnish a documentary proof of his date of birth, may be established by the county court. Furthermore, subsection 6b of said section provides that the industrial commission shall have power to issue certificates of age of minors which shall be conclusive evidence of their ages in any proceeding under any of the labor laws and workmen's compensation law. Permit officers are authorized to issue these age certificates. In conclusion, let us urge upon you that you do not take chances in the employment of minors. If you are uncertain about your rights in the employment of minors, write to the commission for information. All the information and help possible will be gladly furnished you.

In addition circular letters addressed to operators of mines and quarries, lumber and logging companies, canneries, proprietors of bowling alleys, hotels, and golf clubs (that is, places in which children are likely to be employed or which offer some special problem in child employment) have been distributed at various times to all the firms and individuals known to the commission to be engaged in such businesses in the State. Copies of these special circular letters are frequently inclosed also with dictated letters sent to employers in the industries concerned in cases in which evidence of violations of the child labor law appears. Following are samples of circular letters addressed to employers in different industries.

To All Persons Who Have to Do With Employment of Help in Highway Construction, Greeting:

1. Lawful age for employment.

No minor under 17 years of age is permitted to work in road building in any capacity. Violations of the law not only subject the employer to a forfeiture of $100 per day for each day of unlawful employment, *but in case the minor is injured the compensation payable to him is trebled.* The insurer, if any, is prohibited from paying more than one-third of the compensation in such a case. The remainder must be paid by the employer * * *. Special care should be exercised to see that patrolmen, construction superintendents, and others having to do with road building * * *, do not permit any minor under 17 years of age to discharge any service on the job at the instance of anyone, whether parent, guardian, or other person. It is not necessary to a violation of the law that the underage minor shall be on the pay roll. It is sufficient if he is expressly or impliedly permitted to work either on his own account or as a substitute for some one else on the job.

2. Proofs of age.

There is no safety in the practice of employing young people who claim to be over 17, on their representations of age, or the representation of others, whether oral or written, or in the form of affidavits; nor is there any safety in the practice of employing such minors on the ground that their size and appearance prove them to be over 17. Genuine proofs of age, such as copies of birth or baptismal records, should be required. Copies of birth records may be obtained from the register of deeds in the county of birth. They may also be obtained for children born in Wisconsin from the State board of health at Madison. Copies of baptismal records may be obtained from the pastor of the church in which the baptism took place. Documents submitted in proof of age should be carefully scrutinized to make sure that they are genuine and have not been tampered with. Bogus or altered documents are of no value. If the employer allows himself to be deceived regarding the age of a minor, no matter how, and employs him in violation of law, the employer is liable. In a maximum case involving treble compensation, the extra compensation is $39,000.

3. Certificates of age.

Every State in the Union has a child labor law and has had for many years. All civilized nations of the world and most of the so-called heathen nations and

semicivilized nations have such laws for the protection of their young. All have had to struggle with the problem arising from misrepresentation of age by the children or others interested in getting them into unlawful employment. Wisconsin has had its troubles on that score. In order to assist employers in their efforts to comply with the law, a statute was enacted in 1925 authorizing the commission and persons designated by it to issue certificates of age to minors who apply for them and who prove their ages to be between 17 and 21. These certificates of age are conclusive proofs of the ages of the minors to whom they are issued under the labor laws and compensation laws of the State. The employer who will take advantage of this age certificate law need not take chances that the young person whom he employs and who claims to be over 17 is in fact under 17. To make certain, the employer may require the minor to file with him a certificate of age issued by the industrial commission, or some person appointed by it. The certificate of age can be secured by the minor by sending to the proper person a copy of his birth or baptismal record as a proof of his age and the statutory fee of 25 cents. There are more than 200 persons appointed by the commission and authorized to issue labor permits and certificates of age. It is the aim of the commission to have at least one of these officers located in each county. In many counties of the State there are several. A line to the commission can get information regarding the location of any of these officers. Sincerely trusting that this information will help the persons to whom it is addressed to keep the employment of minors in highway work within the law * * *.

To Managers and Proprietors of Hotels, Including Summer-Resort Hotels:

For your information and protection, as well as the protection of minors who might be involved, we are taking the liberty of calling your attention to certain restrictions on the employment of minors in hotels:

First. It is unlawful to employ any *girl* under 17 or any *boy* under 16 years of age, or to permit them to work, in any hotel in Wisconsin, including summer-resort hotels.

Second. Boys between 16 and 17 may be employed in hotels, but the employer must first have on file the labor permit authorizing the employment as provided in section 103.05 of the statutes.

Third. It is unlawful to employ or permit any minor under the age of 18 years to operate an elevator in any hotel, or to employ or permit any girl under 21 years of age to act as a bell hop.

Fourth. Under the statutes, violations of the child labor law are misdemeanors—criminal offenses—punishable by imprisonment or by money penalties of $10 to $100 for each day that the violation continues in the case of each child involved.

Fifth. The employer must himself make sure that the minor whom he employs is of lawful age. The best way to do this is to require the minor to furnish a genuine proof of age such as a certified copy of his birth or baptismal record. If the employer accepts false statements of age by the minor or his parents or anybody else, or judges the age of the minor by his size and appearance, only to find after the employment has taken place that the minor is in fact under lawful age, the employer is liable.

Sixth. In addition to the penalties noted in number four above if a minor is injured while employed in violation of law, he is entitled to three times as much compensation for his injury as would otherwise be recoverable and the employer must himself pay the additional compensation. He can not insure against this hazard.

Seventh. Managers as well as proprietors are liable for violations of the child labor law which occur under their management.

For your further information, we are inclosing a copy of the child labor law and trust that we may have your cooperation in securing an observance of its provisions. Our great desire is that these laws shall be obeyed and not that people shall be punished for violating them. However, it should be understood that we shall insist upon the enforcement of the statutory penalties when such action appears to be warranted by the facts and necessary to secure results.

To Proprietors and Managers of Bowling Alleys, Pool and Billiard Rooms.

Gentlemen: For your own benefit, as well as for the benefit of the children who may be involved, we call your attention to the following proposition:

1. Are you employing or permitting minors under 17 years of age to work in your place of business? If you are, you are committing a misdemeanor—a criminal offense—and incurring a maximum penalty of $100 a day for every day that each individual minor under 17 is so employed or permitted to work.

2. Are you employing minors and accepting their word or the word of some one else as a proof of their ages? If you are, how do you know that they are telling the truth? If they are not telling the truth and the minors are in fact under 17, you are committing the offense and incurring the penalties pointed out in No. 1. *The misrepresentation of age is no defense for you.*

3. Are you requiring minors whom you employ to furnish you a genuine proof of their ages, such as a certified copy of the birth or baptismal record, so that you may be sure that they are more than 17? If you are not, you are taking long chances on having your bank account seriously reduced one of these days.

4. Do you know that if a minor is injured while employed in violation of law, he must be paid treble compensation and that his employer must himself pay the extra compensation? This has been the law for many years. During that time employers have paid more than $200,000 in extra compensation. Do you want your name to be added to this list? If you do not, then heed the advice in this letter.

5. Will you kindly acknowledge receipt of this letter, and request further information on any point not clear to you? If not, do you want the commission to understand that you do not care for its help and that you will be satisfied if the commission simply enforces the statutory penalties against you if violations of the law occur in your place?

In the course of such correspondence and conference as the commission may conduct with employers relating to extra-compensation cases every effort is made to show how important it is that care be taken to obtain proper evidence of age, and the commission also in many cases advises employers as to readjustments in employment methods which might be expected to prevent the occurrence of violations in the future. The necessity of obtaining reliable documentary evidence of age, or preferably (since 1925) of age certificates (see p. 59), for minors claiming to be over permit age, is also emphasized by the commission. Moreover, having learned from its experience that violations are almost impossible to avoid in establishments in which employees are hired in a haphazard fashion by individual foremen, the commission advises centralization of the hiring of all employees in the hands of one person or department as a necessary step if violations are to be avoided. To quote from letters sent employers by the child-labor department of the commission:

> As long as persons who are responsible for the hiring of minors indulge in a practice of * * * accepting their mere representation of age or the representation of others as to their ages, violations of the child labor law will continue. * * *
>
> It is fairly safe to say that the certainty of death and taxes does not exceed the certainty that the child labor law will be violated wherever such a practice is indulged.
>
> Great numbers of employers have found that the only way to prevent these violations is to put the hiring into the hands of one individual, insist upon his thoroughly informing himself and then hold him responsible for results.

In order to bring home to employers the fact that far more often than not violations are due to avoidable carelessness on the part of the employing company, the child-labor department of the commission in its correspondence with the companies which have had to pay extra compensation frequently asks to be informed what the

company proposes to do to avoid such experience in the future. The following are representative replies to this inquiry:

Where there is any question of age now, the company is compelling them to furnish birth records.

You ask what steps we have taken to prevent the illegal employment of minors hereafter, and would say that our plan from this time on will be to require a birth certificate, no matter if the applicant is gray haired and toothless; in other words we do not intend to ever take a chance and hope this will be entirely satisfactory to the commission.

So that we might be sure that all our present minors were lawfully employed and had proper permits, our employment department has been required to check carefully and verify the ages of all employees 21 years of age and under, and we are demanding in cases where we do not have permits for employees under 21 years of age, their certified birth certificates, and further instructions have been issued to our employment department in the future to demand such birth certificates in case proper permits are not forthcoming at the time of employment. In this manner we believe that any possible further difficulty will be eliminated and there will not be any recurrence of the case we have just passed through.

A contractor who had had to pay extra compensation in two cases stated "no boy will get on one of our jobs without a permit, as we realize that it makes trouble for all concerned." The proprietor of a bowling alley who had been obliged to pay extra compensation because of allowing a bystander to act as pin boy on a busy evening, reported to the commission: "Now that our season will open again shortly, it is our intention to have signs posted on each floor prohibiting loitering of lads under 17 years of age as well as the employment of the same." The management of a lumber company, after its second extra-compensation case, discharged the foreman who had hired the injured boy, and informed the commission that it was their intention to discharge any foreman who employed boys under 18 without first obtaining proper evidence of age. One manufacturing company, which out of only 15 compensable accidents had had two cases of illegal employment, one of which had cost the company almost $1,700, reported to the commission after the second of these cases that it had taken the hiring of its help away from individual foremen and put it in the hands of one person. A lumber company, after three such cases, decided that in future it would have its foremen select the men wanted and then send them to the chief accountant, who would be responsible for verifying their ages and would require birth certificates for all applicants stating that they were under 24. Another company after two accidents to illegally employed minors, for which it had to pay extra compensation, made a rule that the foreman could hire a boy under 20 only if the latter could produce a birth certificate or a labor permit, otherwise the applicant must be sent to the main office.

Of the 836 employers represented in the present inquiry, 79 had had more than one extra-compensation case as the result of injuries to illegally employed minors; 9 had had three such cases, 9 had had four, 4 had had five, and 2 had had six. Some of these were very large concerns, others relatively small. A large proportion were manufacturing concerns—80 per cent as compared with 53 per cent of the concerns having only one case—and a relatively large proportion were engaged in the manufacture of lumber products, paper or paper products, or in metal industries. All the establishments

having five or six extra-compensation cases were paper mills or lumber concerns.[74]

Employers having relatively large numbers of cases usually had most of them concentrated in a few years, after which they ceased or became very infrequent, showing how care in avoiding the possibility of violations may be learned after several experiences in paying extra compensation.

One large company had a case of illegal employment in each of the years 1918, 1920, and 1923. This company, although it employed a high-salaried employment manager, had prior to these injuries been found by the commission to be careless in requiring minors to furnish any genuine proof of their ages and had frequently been warned by the commission of the dangers of this procedure. However, the information furnished by the employment manager with regard to each of these three accident cases shows that the practice of employing boys who claimed to be 17 or over without requiring any proof of age had not been discontinued. The following were the kind of excuses given: "Above claimed to be 17. Looked like a 19-year-old." "Boy was large, weighed 180 pounds." In the first two cases the injury was not serious—extra compensation amounting to $35 and $29, respectively. The third accident, however, cost the company more than $8,000. A 15-year-old boy had obtained a job with the company several months prior to the accident, giving his age as 17, and his birth date as January 21, 1906. Five days later it was discovered that he had misstated his age, and he was discharged. Not three months later he reapplied for work, using a different name and address and stating that he was born April 4, 1904, and was 18 years old. Again he was hired without further investigation of his age. Three days later he lost his right foot in an elevator accident. The boy and his father then gave his correct age and his birth date, April 4, 1907. The employment manager in writing to the commission regarding the "many extenuating circumstances" in the case winds up with the following inquiry, somewhat surprising in view of the company's previous record: "If your commission has had any previous experience in like cases, we would appreciate your advice regarding same." In consequence of this case, the employment manager lost his position and the company has never had another case of illegal employment.

Another lumber company, after three extra-compensation cases and much correspondence with the commission, decided to turn over a new leaf and "not rely on the appearance of young persons in future." The next year this company had three more cases, but none of them involved permit violations. Since that time (1923) no extra-compensation cases have been reported for the company. One large company, having in good times about 2,000 employees, after three extra-compensation cases in the period 1918–1920, although complaining bitterly of the "flagrant injustice of the law which not only permits but sanctions and encourages the minor in evading the requirements of the law itself," promised that in future it would take every precaution to see that no violations occurred. No further extra-compensation cases are reported for this company except one in 1925, which, it was claimed, was due to the fact that the boy had been employed by a new man who was not wholly informed as to the law. In general, however, the company stated, the strictest orders had been given regarding the employment of minors without proof of age.

[74] Commenting on the fact that a relatively large number of lumber concerns had so many extra-compensation cases the director of the child-labor department of the commission stated: "The factors entering into a proposition of this kind while perhaps not endless are at least numerous. For example, the character of the hazards, the number of employees per establishment, the attitude of young people toward the employment. * * * In general, the work furnished by lumber companies and paper mills is rather more strenuous than work in stores and many other kinds of factories. * * * The fellow who is small for his age, or of average size, and who is, in fact, underage would not be so likely to seek employment as one who is large for his age and yet is underage. * * * Much of the business of lumber companies is carried on by contractors. Some at least of the companies have men who travel from camp to camp among the contractors, advising them with reference to the laws relating to the employment of young people. Of course, their problem is complicated by the far-flung character of their organizations and doubtless that condition has a bearing on the number of extra-compensation cases. Some, at least, of the lumber companies and some very large ones require employment records to be sent every day to the central office where they are followed up by the personnel director. One very large company comes to mind which has made a very excellent record in the matter of employment of young people by following this plan."

One manufacturing company, which claimed that it was its policy never to employ children of permit age, had cases of illegal employment occurring in February, March, and April of 1920, as a result of accepting the boys' statements that they were 17 or older without requiring evidence of age. After these cases, the company informed the commission that its employment office had been given very strict instructions on this point, and no later cases were recorded.

The following cases illustrate the way in which an inadequate employment system may be responsible for violations of the child labor law:

A paper-manufacturing company had to pay extra compensation for the injury of four illegally employed minors in a 12-month period (1918–19). Notwithstanding the commission's correspondence and advice regarding these cases, about a year and a half later another minor was injured while illegally employed by the same company. After the commission had taken the matter up again, threatening prosecution to the limit of the statutory penalties provided for violation of the child labor law, the company reorganized its employment system, centralizing it in one office instead of permitting each department to do its own hiring. As a result, during eight years (1920–1928) only one case of injury to an illegally employed minor was recorded against this company.

Another paper mill had three boys injured while illegally employed in the month of August, 1918. Although all had been employed as 17, one was under 14. No permits or evidence of age had been required of them. As a result of these cases, the company informed the commission that in future it would require birth certificates, baptismal records, or war records for all applicants under 21. Two further cases were reported, however, one in 1919 and one in 1923, in which statements as to age had been accepted without investigation, indicating that the company had not followed up its good intentions with the greatest care. After the accident in 1923, the company again reported that "Since this accident all employees between 17 and 21 must prove their ages," and no further cases of illegal employment were reported.

A lumber company, after paying extra compensation for injuries to four illegally employed minors in 1918–1922 and after a warning by the commission that in view of the company's record it would be obliged to consider taking action to enforce the statutory penalties for violation of the child labor law, the company issued an order to all its foremen to require evidence of age for all minors and warned the foremen that they would be called upon to answer for any cases in which minors were employed in their departments in violation of the child labor law. A later accident requiring payment of extra compensation was reported for this company, but it occurred five years later.

That experience does not always teach the necessary caution is shown in the case of a newly established paper-manufacturing company which hired a boy who said he was 17 and took his word for it, as the company "did not know the law very well." After his injury the boy was found to be only 16. Following this accident the company asserted that it had "learned the law," but less than a year later it employed another boy of 16 who said he was 17 and would bring a birth certificate the next day. The second day of his employment the boy was killed.

THE INJURED MINORS

In studying the operation of the workmen's compensation law as it affects illegally employed minors, considerable information was obtained from the records of the industrial commission as to the injured minors, the circumstances of their accidents, the nature of their injuries, the amount of compensation they received, and so forth. This information is presented in the following pages. The group can not be regarded as a true sample of young workers sustaining industrial accidents, of course, as the fact that they were illegally employed affects their age distribution, their occupations,

the causes of their accidents, and probably also the seriousness of their injuries, as in many cases the illegal employment was in an occupation in which the employment of young persons was prohibited, generally because it was known to be dangerous.

NUMBER, SEX, AGE, AND OCCUPATION

The Children's Bureau study included 962 illegally employed minors. (See p. 52.) The total number of injured minors in Wisconsin, legally as well as illegally employed, and their ages are not known for the same period (July 1, 1917, to December 31, 1928), but information available for the years 1923–1928, the only period for which comparable information is available, indicates that of all minors under 18 suffering compensable injuries approximately 14 per cent were illegally employed. Included among the illegally employed were 31 per cent of the total number of injured who were under 16, 36 per cent of those who were 16, and 2 per cent of those who were 17. The fact that a larger proportion of the 16-year-old injured minors than of those who were under 16 years of age were illegally employed is of special interest in view of the removal at 16 of many of the occupational prohibitions. It points to the conclusion that the 16-year-age group is especially likely to be employed without the required permit, as was actually found to be the case in the present study (see p. 90). The small proportion of injured 17-year-old workers who were illegally employed results from the fact that at 17 a permit is not required and a number of the occupational restrictions apply only to those under this age.[75]

All except 86 (9 per cent) of the 962 illegally employed minors included in the present study were boys. (Table 1.) As almost half of the nonagricultural workers under 18 in Wisconsin are girls, this small proportion of girls means that employers do not hire young girls for dangerous illegal employment to anything like the extent that they do boys. Ninety-four per cent of the minors were of permit age—that is, under 17 years. None was 18 or over. This is no doubt because few occupations are prohibited to minors who have reached the age of 18.

Table 2 shows the industries in which illegally employed minors were working and also the industries in which all compensated minors under 18 years of age in Wisconsin were working in 1919–20, as given in an earlier Children's Bureau study, the only fairly comparable information available on all injured minors, legally as well as illegally employed. The proportion of the illegally employed minors engaged in manufacturing industries (59 per cent) is considerably less than the proportion of all injured minors in manufacturing (82 per cent); on the other hand, workers in trade, transportation, and personal and domestic service are far more numerous in the illegally employed group. The predominance of employment in trade and other nonfactory work among the illegally employed group is due partly to the fact that children are generally more frequently hired without permits for work in stores, hotels, bowling alleys, etc., especially in small establishments employing only one or two children, than in most factory work, and partly to the fact

[75] Wisconsin Labor Statistics Bull. No. 25 (Mar. 14, 1930), pp. 4–7.

that all work in hotels, bowling alleys, and a number of other non-factory employments is prohibited to certain minors.

TABLE 1.—*Ages of illegally employed boys and girls sustaining industrial injuries; Wisconsin, July 1, 1917–December 31, 1928*

Age of minor	Minors sustaining industrial injuries					
	Total		Boys		Girls	
	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution
Total	962		876		86	
Age reported	937	100	853	100	84	100
12 years	2	(1)	2	(1)		
13 years	12	1	12	1		
14 years	54	6	49	6	5	6
15 years	190	20	176	21	14	17
16 years	627	67	567	66	60	71
17 years	52	6	47	6	5	6
Age not reported	25		23		2	

[1] Less than 1 per cent.

TABLE 2.—*Number of illegally employed minors sustaining industrial injuries in specified industries or occupational groups, July 1, 1917–December 31, 1928, and number of minors under 18 years of age sustaining industrial injuries in these industries or occupational groups during the year ended June 30, 1920; Wisconsin*

Industry or occupational group	Illegally employed minors sustaining industrial injuries, July 1, 1917–Dec. 31, 1928		Minors under 18 years of age sustaining industrial injuries during the year ended June 30, 1920 [1]	
	Number	Per cent distribution	Number	Per cent distribution
Total	962		627	
Industry or occupational group reported	956	100	627	100
Agriculture and forestry	63	7	15	2
Extraction of minerals	15	2	1	(2)
Manufacturing and mechanical industries	560	59	514	82
Transportation	88	9	26	4
Trade	139	15	34	5
Domestic and personal service	81	8	13	2
Clerical service			22	4
All others	10	1	2	(2)
Industry or occupational group not reported	6			

[1] Unpublished figures.

[2] Less than 1 per cent.

LEGAL PROVISIONS VIOLATED

In Wisconsin employment without the work permit required by law for minors under 17 was the most common type of violation for which the penalty of increased compensation had been imposed; this type of violation was found in 854 cases (90 per cent of those for which information was obtained as to the nature of the violation).

(Table 3.) In 697 (73 per cent) of the cases, failure to have the requisite permit was the only type of violation appearing on the records. In some of these 697 cases the injured minor, though of legal age for general employment, was also employed in a prohibited occupation. Violations of the regulations as to prohibited occupations are harder to prove than violations of the permit requirement (see p. 71), and as prior to June 30, 1925, the additional compensation employers had to pay was the same (200 per cent) for both types of violation it was not necessary before that time to prove that the injured minor was employed in an illegal occupation if in fact his employment was illegal because of the absence of the required permit. Hence in cases occurring before June 30, 1925, in which the minor was of permit age but had no permit, it may not always have been definitely ascertained whether or not his occupation was illegal. However, it is known that 253 (27 per cent) of the minors illegally employed were injured while working in a prohibited occupation, 96 (10 per cent) having been employed in violation of this provision only.

TABLE 3.—*Type of legal violation in cases of industrial injuries to illegally employed boys and girls of specified ages; Wisconsin, July 1, 1917–December 31, 1928*

Age and sex of minor	Minors sustaining industrial injuries								
	Total	Type of violation reported							Type of violation not reported
		Total	Permit only		Occupation only		Permit and occupation		
			Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	
Total	962	950	697	73	96	10	157	17	12
Under 16 years	258	257	152	59	38	15	67	26	1
Under 14 years	14	14	4				10		
14 and 15 years	244	243	148	61	38	16	57	23	1
16 and 17 years	679	676	532	79	58	9	86	13	3
Age not reported	25	17	13				4		8
Boys	876	865	646	75	89	10	130	15	11
Under 16 years	239	238	141	59	36	15	61	26	1
Under 14 years	14	14	4				10		
14 and 15 years	225	224	137	61	36	16	51	23	1
16 and 17 years	614	611	492	81	53	9	66	11	3
Age not reported	23	16	13				3		7
Girls	86	85	51	60	7	8	27	32	1
Under 16 years	19	19	11		2		6		
Under 14 years									
14 and 15 years	19	19	11		2		6		
16 and 17 years	65	65	40	62	5	8	20	31	
Age not reported	2	1					1		1

[1] Per cent not shown where number of boys and girls was less than 50.

The extent to which the illegality for which increased compensation was awarded was due to lack of permit or to employment in a prohibited occupation varied somewhat with the industry or occupational group, as would be expected from the fact that more extensive prohibitions are found in some industries than in others. (Table 4.) Thus, although 27 per cent of all the minors injured while illegally employed were found to be in prohibited occupations, only 21 per cent of those in all manufacturing industries, 15 per cent of

those in lumbering and logging, and 14 per cent of those in trade were so employed; on the other hand, 69 per cent of those engaged in domestic and personal service (chiefly in bowling alleys or hotels), 39 per cent of those in transportation (chiefly in road construction), and 13 of the 15 youths engaged in the extraction of minerals (all of whom were employed in or about mines or quarries), were found in prohibited occupations. Practically all employment of girls or boys, or both, under 17 or under 18 is illegal in bowling alleys and hotels, in road construction, and in or about mines or quarries.

TABLE 4.—*Type of legal violation in cases of industrial injuries to minors illegally employed in specified industries or occupational groups; Wisconsin, July 1, 1917–December 31, 1928*

Industry or occupational group	Minors sustaining industrial injuries								
	Total	Type of violation reported							Type of violation not reported
		Total	Permit only		Occupation only		Permit and occupation		
			Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	
Total	962	950	697	73	96	10	157	17	12
Agriculture and forestry	63	63	50	79	1	2	12	19	-------
Lumbering and logging	53	53	45	85	-------	-------	8	15	-------
Agriculture	10	10	5	-------	1	-------	4	-------	-------
Extraction of minerals	15	15	2	-------	5	-------	8	-------	-------
Manufacturing and mechanical industries	560	550	435	79	67	12	48	9	10
Metal industries	154	149	114	77	21	14	14	9	5
Lumber and allied products	120	118	92	78	14	12	12	10	2
Food and kindred products	67	65	58	89	5	8	2	3	2
Paper and paper products	64	64	51	80	8	13	5	8	-------
Building trades	39	39	36	-------	1	-------	2	-------	-------
Leather manufacturing	23	23	18	-------	4	-------	1	-------	-------
Electrical supplies	18	18	14	-------	3	-------	1	-------	-------
Printing and publishing	18	17	7	-------	2	-------	8	-------	1
Textiles	16	16	11	-------	5	-------	-------	-------	-------
Rubber products	8	8	7	-------	1	-------	-------	-------	-------
Clothing	5	5	5	-------	-------	-------	-------	-------	-------
Miscellaneous	28	28	22	-------	3	-------	3	-------	-------
Transportation	88	88	54	61	7	8	27	31	-------
Road construction	37	37	12	-------	2	-------	23	-------	-------
Other	51	51	42	82	5	10	4	8	-------
Trade	139	139	120	86	12	9	7	5	-------
Domestic and personal service	81	81	25	31	4	5	52	64	-------
All others	10	10	9	-------	-------	-------	1	-------	-------
Not reported	6	4	2	-------	-------	-------	2	-------	2

[1] Per cent not shown where number of minors was less than 50.

Almost all (95 per cent) of the injured minors of employment-permit age were employed without permits. Of those who were 16 years of age, 99 per cent were employed without permits, for at 16 it is easier for the young worker to represent himself as past permit age than it is at 14 or 15 (see p. 67). On the other hand, the younger workers were more extensively employed in prohibited occupations—41 per cent of those under 16, as compared with 15 per cent of the 16-year-old workers. And this, too, is easily understood, in view of the fact that many of the prohibitions as to occupation apply only to children under 16.

Of the 253 minors injured while employed in prohibited occupations, 171 (68 per cent) were engaged in types of employment specifically prohibited by statute for minors of their ages, and 81 (32 per cent) were engaged in employments which had been made illegal for minors of their ages through ruling of the industrial commission that certificates could not be issued for such work. Girls more often than boys were employed in prohibited occupations in violation of rulings. All the girls working in violation of rulings were employed in hotels, restaurants, and boarding houses, employment in which is prohibited for girls under 17 as morally hazardous.

The principal operations specifically prohibited by statute in which the injured minors were employed are given below in the order of their numerical importance:

	Total	Boys	Girls
Running or management of elevators * * * (prohibited under 18)	33	26	7
Oiling or cleaning dangerous or hazardous machinery in motion (prohibited under 18)	20	18	2
Operating or assisting in operating or taking material from any circular or band saw, or any crosscut saw * * * or other cutting or pressing machine from which material is taken from behind (prohibited under 16)	18	18	--
Work in or about mines or quarries (prohibited under 18)	16	16	--
Outside erection and repair of electric wires, including * * * telephone wires (prohibited under 18)	12	12	--
Operating or using any emery, tripoli, rouge, corundum, stone carborundum, any abrasive or emery polishing or buffing wheel, where articles of the baser materials or of iridium are manufactured (prohibited under 18)	12	12	--
Operating cylinder or job press, * * * or drill (prohibited under 16)	9	9	--
Operating wood shaper, wood jointer, planer * * * or wood-turning machine (prohibited under 16)	7	7	--
Work on scaffolding or on ladder * * * in building trades (prohibited under 16)	4	4	--
Running or management of * * * hoisting machines (prohibited under 18)	4	4	--
Work in or about docks (prohibited under 18)	4	4	--
* * * Cleaning any machinery in motion (prohibited under 16)	4	3	1

The principal operations and occupations prohibited by rulings were as follows:

	Total	Boys	Girls
Work in bowling alleys (prohibited under 17)	27	27	--
Road-onstruction work (prohibited under 17)	22	22	--
Work in hotels, restaurants, and boarding houses (prohibited under 17 for girls, under 16 in hotels for boys)	20	1	19
Lumbering and logging operations (prohibited for boys under 16)	7	7	--
Work on threshing crews (prohibited under 17)	4	4	--

In addition, 10 boys of 12 and 13 years of age were employed in occupations for which the law prohibited the issuance of permits to children under 14.[76] Of these, 4 were engaged in operations prohibited for children under 16 (in 1 case for minors under 18) and have been included in the numbers listed above.[76a] Seven boys and one

[76] The Wisconsin law provides that during school vacation children between 12 and 14 may be employed on permit in store (not a drug store, nor in delivery of merchandise), office (not a factory or printing office), mercantile establishment, warehouse (not a factory or tobacco warehouse), or telegraph, telephone, or public messenger service, and during school vacation without permit, in work usual to the home of the employer. (Stat. 1929, sec. 103.05, subdiv. (4) (b) and (4a).)

[76a] At the time of this study children under 14 years who were injured in occupations for which the issuance of permits was not required were not subject to the extra compensation law.

girl were employed in violation of the general provision of the child labor law prohibiting the employment of minors under 16 and under 18 in occupations dangerous to life and limb.

The relationship between the nature of the violations and the causes of the injuries is discussed under the specific causes of injury, where also will be found accounts of cases involving violations of different kinds.

NATURE AND LOCATION OF INJURY

Cuts, punctures, or lacerations constituted 46 per cent of all injuries. (See Table 13, p. 101.) These involved amputations for 9 per cent of the injured minors and, in general, resulted in permanent disability more often than other injuries. The next most important types of injury were fractures, bruises, contusions, and abrasions. The leading types of injuries were the same as those occurring among all injured minors, as found in the Children's Bureau study of compensated accidents to minors in Wisconsin in 1919–20,[77] though cuts, punctures, and lacerations and fractures (that is, the more serious types) occurred somewhat more frequently among the illegally employed minors in the present inquiry.

Of all the injuries to the illegally employed, 65 per cent were to the arms or hands, consisting chiefly of injuries to one or more fingers. Ninety-three per cent of the amputations affected the arms or hands. The lower extremities, chiefly the legs, were injured in 24 per cent of the cases, the trunk in 5 per cent, and some part of the head in 5 per cent; in about one-fourth of the last the eye was affected. These figures correspond closely with those reported in the study of all compensated industrial injuries to minors in Wisconsin in 1919–20.[78]

EXTENT AND DURATION OF DISABILITY

Fatal injuries had occurred in 13 cases (1 per cent of the 962 in which the extent of disability was known) and permanent injuries in 142 cases (15 per cent). (Table 5.) Permanent injuries were more frequent among this illegally employed group than among all minors under 18 compensated for industrial accidents in Wisconsin from 1919 to 1928 (15 per cent as compared with 11 per cent).[79] The proportion receiving permanent injuries was exceptionally high among the illegally employed who were under 16 years of age; 22 per cent of the illegally employed under 16, compared with 11 per cent of all minors under 16 receiving compensation from 1919 to 1928, were permanently injured. The proportion of those whose injuries, though temporary, were relatively serious was somewhat greater among children under 16 than among the older illegally employed minors, 35 per cent of the former being disabled 4 weeks or more as compared with 31 per cent of the total number. (Table 6.) These figures show that the protection offered by the child labor law is greatly needed, for when this protection fails to operate the results are particularly disastrous.

---

[77] Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, p. 7. U. S. Children's Bureau Publication No. 152. Washington, 1926.
[78] Ibid., pp. 6, 102.
[79] Wisconsin Labor Statistics Bull. No. 25 (Mar. 14, 1930), p. 6.

TABLE 5.—*Extent of disability from industrial injuries to illegally employed boys and girls of specified ages; Wisconsin, July 1, 1917–December 31, 1928*

Age and sex of minor	Minors sustaining industrial injuries						
	Total	Extent of disability					
		Death		Permanent partial		Temporary	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	962	13	1	142	15	807	84
Under 16 years	258	3	1	57	22	198	77
Under 14 years	14			3		11	
14 and 15 years	244	3	1	54	22	187	77
16 and 17 years	679	10	1	83	12	586	86
Age not reported	25			2		23	
Boys	876	12	1	137	16	727	83
Under 16 years	239	3	1	54	23	182	76
Under 14 years	14			3		11	
14 and 15 years	225	3	1	51	23	171	76
16 and 17 years	614	9	1	81	13	524	85
Age not reported	23			2		21	
Girls	86	1	1	5	6	80	93
Under 16 years	19			3		16	
Under 14 years							
14 and 15 years	19			3		16	
16 and 17 years	65	1	2	2	3	62	95
Age not reported	2					2	

[1] Per cent not shown where number of boys and girls was less than 50.

TABLE 6.—*Duration of temporary disability from industrial injuries to illegally employed boys and girls of specified ages; Wisconsin, July 1, 1917–December 31, 1928*

Age and sex of minor	Minors sustaining temporary industrial injuries								
	Total	Duration of disability							
		Less than 4 weeks		4 weeks or more					
				Total		4 weeks, less than 12		12 weeks or more	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	807	558	69	249	31	223	28	26	3
Under 16 years	198	129	65	69	35	61	31	8	4
Under 14 years	11	5		6		4		2	
14 and 15 years	187	124	66	63	34	57	30	6	3
16 and 17 years	586	413	70	173	30	156	27	17	3
Age not reported	23	16		7		6		1	
Boys	727	492	68	235	32	212	29	23	3
Under 16 years	182	114	63	68	37	60	33	8	4
Under 14 years	11	5		6		4		2	
14 and 15 years	171	109	64	62	36	56	33	6	4
16 and 17 years	524	364	69	160	31	146	28	14	3
Age not reported	21	14		7		6		1	
Girls	80	66	83	14	18	11	14	3	4
Under 16 years	16	15		1		1			
Under 14 years									
14 and 15 years	16	15		1		1			
16 and 17 years	62	49	79	13	21	10	16	3	5
Age not reported	2	2							

[1] Per cent not shown where number of boys and girls was less than 50.

Girls are usually employed at occupations potentially less dangerous than those in which boys engage, so that it is not surprising that girls less frequently than boys sustained serious injuries. Comparison on this point can not be made with all minors compensated from 1919 to 1928, for information as to sex is lacking for this group, but in the study of compensated minors in Wisconsin in 1920 made by the Children's Bureau fatal and permanent injuries constituted a smaller percentage of the injuries occurring to girls than to boys in the group under 18 years of age.[80]

Illegally employed minors met with more severe injuries in manufacturing and mechanical industries than in other groups. (Table 7.) The proportion permanently injured was highest for the minors employed in the manufacture of lumber and allied products (24 per cent) and in the metal industries (19 per cent). Temporary injuries, however, were apparently of somewhat slighter character in the manufacturing industries. (Table 8.)

TABLE 7.—*Extent of disability from industrial injuries to minors illegally employed in specified industries or occupational groups; Wisconsin, July 1, 1917–December 31, 1928*

Industry or occupational group	Minors sustaining industrial injuries						
	Total	Extent of disability					
		Death		Permanent partial		Temporary	
		Number	Per cent [a]	Number	Per cent [a]	Number	Per cent [a]
Total	962	13	1	142	15	807	84
Agriculture and forestry	63	2	3	7	11	54	86
Lumbering and logging	53	1	2	4	8	48	91
Agriculture	10	1		3		6	
Extraction of minerals	15			2		13	
Manufacturing and mechanical industries	560	5	1	99	18	456	81
Metal industries	154	2	1	29	19	123	80
Lumber and allied products	120			29	24	91	76
Food and kindred products	67			9	13	58	87
Paper and paper products	64	2	3	8	13	54	84
Building trades	39	1		3		35	
Leather manufacturing	23			4		19	
Printing and publishing	18			6		12	
Electrical supplies	18			3		15	
Textiles	16			2		14	
Rubber products	8			3		5	
Clothing	5					5	
Miscellaneous	28			3		25	
Transportation	88	2	2	8	9	78	89
Road construction	37	1		5		31	
Other	51	1	2	3	6	47	92
Trade	139	2	1	11	8	126	91
Domestic and personal service	81	2	2	12	15	67	83
All other	10					10	
Not reported	6			3		3	

[a] Per cent not shown where number of minors was less than 50.

[80] Unpublished data.

TABLE 8.—*Duration of temporary disability from industrial injuries to minors illegally employed in specified industries or occupational groups; Wisconsin, July 1, 1917–December 31, 1928*

Industry or occupational group	Minors sustaining temporary industrial injuries								
	Total	Duration of disability							
		Less than 4 weeks		4 weeks or more					
				Total		4 weeks, less than 12		12 weeks or more	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	807	558	69	249	31	223	28	26	3
Agriculture and forestry	54	31	57	23	43	16	30	7	13
Lumbering and logging	48	26	-------	22	-------	15	-------	7	-------
Agriculture	6	5	-------	1	-------	1	-------	-------	-------
Extraction of minerals	13	7	-------	6	-------	5	-------	1	-------
Manufacturing and mechanical industries	456	338	74	118	26	107	23	11	2
Metal industries	123	96	78	27	22	24	20	3	2
Lumber and allied products	91	63	69	28	31	27	30	1	1
Food and kindred products	58	40	69	18	31	18	31	-------	-------
Paper and paper products	54	41	76	13	24	11	20	2	4
Building trades	35	23	-------	12	-------	12	-------	-------	-------
Leather manufacturing	19	16	-------	3	-------	2	-------	1	-------
Electrical supplies	15	10	-------	5	-------	5	-------	-------	-------
Textiles	14	12	-------	2	-------	1	-------	1	-------
Printing and publishing	12	7	-------	5	-------	3	-------	2	-------
Rubber products	5	5	-------	-------	-------	-------	-------	-------	-------
Clothing	5	5	-------	-------	-------	-------	-------	-------	-------
Miscellaneous	25	20	-------	5	-------	4	-------	1	-------
Transportation	78	46	59	32	41	31	40	1	1
Road construction	31	19	-------	12	-------	12	-------	-------	-------
Other	47	27	-------	20	-------	19	-------	1	-------
Trade	126	83	66	43	34	39	31	4	3
Domestic and personal service	67	45	67	22	33	20	30	2	3
All other	10	7	-------	3	-------	3	-------	-------	-------
Not reported	3	1	-------	2	-------	2	-------	-------	-------

[1] Per cent not shown where number of minors was less than 50.

As injuries to the illegally employed were in general more serious than injuries to other minors, so injuries to minors employed in prohibited occupations were more serious than those to minors the illegality of whose employment consisted solely in the violation of the permit law. This would seem to offer proof, if proof is needed, that the prohibited occupations are more dangerous than others. Fatal or permanent injuries occurred to 27 per cent of those employed in prohibited occupations but to only 12 per cent of those employed merely in violation of the permit law.[81] (Table 9.) Injuries to minors only temporarily disabled also tended to be somewhat more serious among those employed in prohibited occupations, judging from the number of weeks' disability. (Table 10.)

[81] The corresponding percentage of all minors under 18 meeting with compensable accidents in the period 1919–1928 who suffered fatal and permanent injuries was 11 (Wisconsin Labor Statistics Bull. No. 25 (Mar. 14, 1930), p. 6).

TABLE 9.—*Extent of disability from industrial injuries to illegally employed boys and girls according to the type of legal violation; Wisconsin, July 1, 1917–December 31, 1928*

Type of violation	Minors sustaining industrial injuries						
	Total	Extent of disability					
		Death		Permanent partial		Temporary	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	962	13	1	142	15	807	84
Permit only	697	7	1	77	11	613	88
Occupation only	96	2	2	31	32	63	66
Permit and occupation	157	4	3	31	20	122	78
Not reported	12			3		9	
Boys	876	12	1	137	16	727	83
Permit only	646	7	1	77	12	562	87
Occupation only	89	2	2	30	34	57	64
Permit and occupation	130	3	2	27	21	100	77
Not reported	11			3		8	
Girls	86	1	1	5	6	80	93
Permit only	51					51	100
Occupation only	7			1		6	
Permit and occupation	27	1		4		22	
Not reported	1					1	

[1] Per cent not shown where number of boys and girls was less than 50.

TABLE 10.—*Duration of temporary disability from industrial injuries to illegally employed boys and girls according to the type of legal violation; Wisconsin, July 1, 1917–December 31, 1928*

Type of violation	Minors sustaining temporary industrial injuries								
	Total	Duration of disability							
		Less than 4 weeks		4 weeks or more					
				Total		4 weeks, less than 12		12 weeks or more	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	807	558	69	249	31	223	28	26	3
Permit only	613	429	70	184	30	167	27	17	3
Occupation only	63	42	67	21	33	17	27	4	6
Permit and occupation	122	82	67	40	33	35	29	5	4
Not reported	9	5		4		4			
Boys	727	492	68	235	32	202	28	23	3
Permit only	562	384	68	178	32	162	29	16	3
Occupation only	57	39	68	18	32	15	26	3	5
Permit and occupation	100	65	65	35	35	31	31	4	4
Not reported	8	4		4		4			
Girls	80	66	83	14	18	11	14	3	4
Permit only	51	45	88	6	12	5	10	1	2
Occupation only	6	3		3		2		1	
Permit and occupation	22	17		5		4		1	
Not reported	1	1							

[1] Per cent not shown where number of boys and girls was less than 50.

COMPENSATION AND PENALTIES FOR INJURIES

The amount of compensation payable for any injury is to some extent an index to its severity, although it is affected by the wage scale on which it is based and by other factors. In the case of illegally employed minors who are injured the amount of the extra compensation that is payable by the employer is also significant, as it shows the extent to which the employer was penalized for his violation of the law.

The average primary compensation payable to the minors included in this study was $136.08; for those employed in prohibited occupations it was $181.88, and for those employed in violation of the permit law alone it was $115.99. Compensation in 807 of the 949 nonfatal accidents had been based on the minors' actual wages (a median of $15), which is the basis of compensation for minors as well as adults under most workmen's compensation laws. But under a provision of the Wisconsin workmen's compensation law (this or a somewhat similar provision occurs in the laws of about one-third of the States) compensation for permanent disability is based on probable adult earning capacity (see p. 56), and in 97 of the 142 cases of permanent disability in this study it amounted to more than would have been possible if it had been based on the minors' actual wages.

Extra as well as primary compensation was larger for those found in prohibited occupations, as treble compensation has always been payable in such cases, whereas an amendment to the workmen's compensation law, effective June 30, 1925, reduced the penalty payable by the employer in cases in which only the permit law was violated from 200 to 100 per cent of the amount of the primary compensation. The average extra compensation payable by the employer was $241.58. Seven hundred and eighty two of the 962 minors received treble compensation and 147 (employed in violation of the permit law alone in which the injuries had occurred since June 30, 1925) received double compensation. Besides the cases in which double or treble compensation was paid, 25 minors who had been disabled for seven days or less had received from their employers, in accordance with another amendment to the law, effective August 1, 1919, an amount equivalent to the wages they had lost as a result of their injuries. The total extra compensation payable by employers in the 962 cases was $232,404.57. In comparison with the suffering and misery entailed, this or any other amount seems negligible. But from the standpoint of employers, payment out of their own pockets in a relatively short period of close to a quarter of a million dollars in extra compensation represents a severe penalty for violation of the child labor law, especially as in case after case they were called upon to pay heavy indemnities for serious accidents occurring within a few days or a few weeks of the illegal employment of the minors who were injured.

Table 16 (p. 104) shows the average amount of total, primary, and extra compensation and Table 17 (p. 105) the total amount of compensation received by the injured minors in the study, according to the cause of the injury. Although more than half the injured minors had received less than $100, 72 (7 per cent) had received $1,000 or more, including 17 who had received $5,000 or more, and 1 who had received more than $10,000.

CAUSES OF INJURIES[82]

Machinery was by far the most common cause of injury, being responsible for 258 (37 per cent) of the 890 injuries of which the cause was known. (Table 11.) Handling objects, the next most common cause of accident, was responsible for 166 (19 per cent), and vehicles, mostly automobiles, for 111 (12 per cent).[83]

Six of the thirteen fatalities were caused by machinery—4 by elevators, 1 by paper-making machinery, and 1 by farm machinery. (Table 15.) The remaining were caused by automobiles, falling objects, falls of persons, and contacts with electric current. In one case the cause was not ascertained as the papers relating to the case had been destroyed. (See footnote 4, p. 52.) Permanent injuries also resulted more frequently from machine accidents than from any other cause—32 per cent of the machine injuries as compared with 15 per cent of the total had caused permanent disability. The seriousness of machine accidents was shown in the Children's Bureau study of all compensable injuries to minors in Wisconsin in 1919–20 in which 23 per cent of the machine injuries resulted in permanent disability as compared with 11 per cent of all injuries.[84] The present inquiry showed also the serious nature of vehicular accidents, for these not only included two fatal cases but also the largest proportion of cases resulting in temporary total disabilities of relatively long duration. As compared with 31 per cent of the total number of illegally employed minors who were temporarily disabled, 59 per cent of those injured in vehicular accidents were disabled 28 days or more, but the same proportion in both groups (3 per cent) were disabled 12 weeks or more. (Table 16.)

Tables 11 to 19 show, according to the cause of injury, the sex of the injured minors (Table 11), the legal provision violated (Table 12), the nature of the injury (Table 13), the per cent distribution of injuries of different types (Table 14), the extent of disability (Table 15), the duration of temporary disability (Table 16), the amount of compensation (Tables 17 and 18), and the per cent distribution of total compensation (Table 19). An analysis of the information contained in these tables is presented in the following discussion of the injuries resulting from specific causes.

---

[82] The classification of causes of injury is that used by the Wisconsin Industrial Commission in coding accident statistics from its official records.

[83] Comparable information as to the cause of injury of all injured minors of the same ages in Wisconsin in this period is not available. In the study of all compensated injuries to minors occurring in Wisconsin in 1919–20 made by the Children's Bureau, a somewhat larger proportion of the minors under 18 than in the illegally employed group were injured by machinery (45 per cent as compared with 37 per cent) and about the same proportion by falls (6 per cent as compared with 7 per cent). On the other hand, vehicles were responsible for a smaller proportion. As vehicular hazards were undoubtedly less in 1919–20 than in the entire period 1917–1928, which the extra compensation study covers, this comparison is probably not of great value.

[84] Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, p. 95.

TABLE 11.—*Number of illegally employed boys and girls sustaining industrial injuries, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries					
	Total		Boys		Girls	
	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution
Total	962		876		86	
Cause reported	890	100	807	100	83	100
Accidents due to machinery	326	37	289	36	37	45
Prime movers and transmission apparatus	11	1	11	1		
Machines other than working machines	9	1	7	1	2	2
Working machines	258	29	230	29	28	34
Woodworking	78	9	76	9	2	2
Metal working	58	7	51	6	7	8
Paper and paper products	29	3	24	3	5	6
Baking and confectionery	16	2	15	2	1	1
Printing and bookbinding	15	2	15	2		
Leather working	13	1	9	1	4	5
Meat products	10	1	9	1	1	1
Textile	9	1	6	1	3	4
Farm	8	1	8	1		
Other	22	2	17	2	5	6
Hoisting apparatus	48	5	41	5	7	8
Elevators	39	4	32	4	7	8
Cranes and derricks	9	1	9	1		
Accidents not due to machinery	564	63	518	64	46	55
Handling objects	166	19	143	18	23	28
Vehicular accidents	111	12	111	14		
Autos	78	9	78	10		
Cranking	64	7	64	8		
Other	14	2	14	2		
Animal-drawn vehicles	21	2	21	3		
Bicycles	5	1	5	1		
Mine and quarry cars	4	[1]	4	[1]		
Cars and engines	2	[1]	2	[1]		
Motor cycles	1	[1]	1	[1]		
Hand tools	70	8	67	8	3	4
Falls of persons	64	7	54	7	10	12
Stepping on or striking against objects	62	7	59	7	3	4
Falling objects	33	4	33	4		
Electricity, explosions, and hot and corrosive substances	31	3	24	3	7	8
Infections	7	1	7	1		
Rafting and river driving	6	1	6	1		
Miscellaneous	14	2	14	2		
Cause not reported	72		69		3	

[1] Less than 1 per cent.

TABLE 12.—*Type of legal violation in cases of industrial injuries to illegally employed minors, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries								
	Total	Type of violation reported							Type of violation not reported
		Total	Permit only		Occupation only		Permit and occupation		
			Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	
Total	962	950	697	73	96	10	157	17	12
Accidents due to machinery	326	323	187	58	74	23	62	19	3
Prime movers and transmission apparatus	11	11	7				4		
Machines other than working machines	9	9	5		2		2		
Working machines	258	255	163	64	47	18	45	18	3
Woodworking	78	77	49	64	12	16	16	21	1
Metal working	58	57	34	60	16	28	7	12	1
Paper and paper products	29	29	21		4		4		
Printing and bookbinding	15	15	6		3		6		
Baking and confectionery	16	16	11		2		3		
Leather working	13	13	9		4				
Meat products	10	9	9						
Textile	9	9	5		4				
Farm	8	8	6				2		1
Other	22	22	13		2		7		
Hoisting apparatus	48	48	12		25		11		
Elevators	39	39	7		22		10		
Cranes and derricks	9	9	5		3		1		
Accidents not due to machinery	564	563	452	80	19	3	92	16	1
Handling objects	166	166	135	81	5	3	26	16	
Vehicular accidents	111	111	100	90	1	1	10	9	
Autos	78	78	72	92			6	8	
Cranking	64	64	62	97			2	3	
Other	14	14	10				4		
Animal-drawn vehicles	21	21	19				2		
Bicycles	5	5	4				1		
Mine and quarry cars	4	4	2		1		1		
Cars and engines	2	2	2						
Motor cycles	1	1	1						
Hand tools	70	70	60	86	1	1	9	13	
Falls of persons	64	64	47	73	3	5	14	22	
Stepping on or striking against objects	62	61	38	62	2	3	21	34	1
Falling objects	33	33	26		4		3		
Electricity, explosions, and hot and corrosive substances	31	31	23		3		5		
Infections	7	7	7						
Rafting and river driving	6	6	6						
Miscellaneous	14	14	10				4		
Not reported	72	64	58	91	3	5	3	5	8

[1] Per cent not shown where number of minors was less than 50.

TABLE 13.—*Nature of industrial injury to illegally employed minors, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries												
		Nature of injury											
	Total	Bruises, contusions, abrasions	Crushed or smashed	Cuts, punctures, lacerations			Burn or scald	Fractures and dislocations	Sprain or strain	All other	Fatal	Not reported
				Total	Minor cuts	Amputations						
Total	962	156	64	436	352	84	37	[1] 166	75	[2] 11	13	4
Accidents due to machinery	326	46	35	209	137	72	2	23	5		6	
Prime movers and transmission apparatus	11	3		3		3	1	1	3			
Machines other than power-driven machines	9	1	2	5	3	2		1				
Working machines	258	26	20	196	129	67		13	1		2	
Woodworking	78	5	3	69	39	30		1				
Metal working	58	2	4	50	36	14		2				
Paper and paper products	29	7	5	14	10	4		2			1	
Baking and confectionery	16			15	10	5		1				
Printing and bookbinding	15	2	3	8	6	2		2				
Leather working	13	3	3	6	4	2		1				
Meat products	10			10	6	4						
Textile	9	1	1	6	6			1				
Farm	8			7	3	4					1	
Other	22	6	1	11	9	2		3	1			
Hoisting apparatus	48	16	13	5	5		1	8	1		4	
Elevators	39	12	12	4	4		1	5	1		4	
Cranes and derricks	9	4	1	1	1			3				
Accidents not due to machinery	564	91	26	203	195	8	31	133	63	11	6	
Handling objects	166	26	16	83	81	2	1	16	24			
Vehicular accidents	111	17	1	10	10			73	8		2	
Autos	78	7		6	6			58	5		2	
Cranking	64	3		1	1			55	5			
Other	14	4		5	5			3			2	
Animal-drawn vehicles	21	7		1	1			11	2			
Bicycles	5	1		1	1			3				
Mine and quarry cars	4	1	1	1	1			1				
Cars and engines	2	1							1			
Motor cycles	1			1	1							
Hand tools	70	5	4	57	53	4		2	1	1		
Falls of persons	64	16	1	11	10	1	1	14	20		1	
Stepping on or striking against objects	62	16	3	36	35	1		5	2			
Falling objects	33	7	1	5	5			14	4		2	
Electricity, explosions, and hot and corrosive substances	31						29			1	1	
Infections	7									7		
Rafting and river driving	6							5	1			
Miscellaneous	14	4		1	1			4	3	2		
Not reported	72	19	3	24	20	4	4	10	7		1	4

[1] Includes fractures, 159; dislocations, 7.

[2] Includes occupational diseases, 8; freezing, 2; concussions or shock, 1.

TABLE 14.—*Per cent distribution of industrial injuries due to specified causes sustained by illegally employed minors, according to nature of injury; Wisconsin, July 1, 1917–December 31, 1928*

Nature of injury	Minors sustaining industrial injuries										
		Cause of injury									
	Total	Accidents due to machinery			Accidents not due to machinery						Not reported
		Total	Working	Other	Total	Handling objects	Vehicular	Hand tools	Falls, stepping on or striking against objects	All other	
Total	100	100	100	100	100	100	100	100	100	100	100
Bruises, contusions, abrasions	16	14	10	29	16	16	15	7	25	12	28
Crushed or smashed	7	11	8	22	5	10	1	6	3	1	4
Cuts, punctures, lacerations	46	64	76	19	36	50	9	81	37	7	35
Minor cuts	37	42	50	12	35	49	9	76	36	7	29
Amputations	9	22	26	7	1	1	-------	6	2	------	6
Burn or scald	4	1	-------	3	5	1	-------	-------	1	32	6
Fractures and dislocations	17	7	5	15	24	10	66	3	15	25	15
Sprain or strain	8	2	(1)	6	11	14	7	1	17	9	10
All other	1	-------	-------	-------	2	-------	-------	1	-------	11	-------
Fatal	1	2	1	6	1	-------	2	-------	1	3	1

[1] Less than 1 per cent.

TABLE 15.—*Extent of disability from industrial injuries to illegally employed minors, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries						
		Extent of disability					
	Total	Death		Permanent partial		Temporary	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	962	13	1	142	15	807	84
Accidents due to machinery	326	6	2	104	32	216	66
Prime movers and transmission apparatus	11	-------	-------	3	-------	8	-------
Machines other than working machines	9	-------	-------	3	-------	6	-------
Working machines	258	2	1	90	35	166	64
Woodworking	78	-------	-------	33	42	45	58
Metal working	58	-------	-------	18	31	40	69
Paper and paper products	29	1	-------	5	-------	23	-------
Baking and confectionery	16	-------	-------	7	------	9	-------
Printing and bookbinding	15	-------	-------	6	-------	9	-------

[1] Per cent not shown where number of minors was less than 50.

TABLE 15.—*Extent of disability from industrial injuries to illegally employed minors, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*—Continued.

Cause of injury	Minors sustaining industrial injuries						
	Total	Extent of disability					
		Death		Permanent partial		Temporary	
		Number	Per cent	Number	Per cent	Number	Per cent
Accidents due to machinery—Continued.							
Working machines—Continued.							
Leather working	13			3		10	
Meat products	10			7		3	
Textile	9			2		7	
Farm	8	1		4		3	
Other	22			5		17	
Hoisting apparatus	48	4		8		36	
Elevators	39	4		5		30	
Cranes and derricks	9			3		6	
Accidents not due to machinery	564	6	1	29	5	529	94
Handling objects	166			10	6	156	94
Vehicular accidents	111	2	2	3	3	106	95
Autos	78	2	3			76	97
Cranking	64					64	100
Other	14	2				12	
Animal-drawn vehicles	21			2		19	
Bicycles	5					5	
Mine and quarry cars	4					4	
Cars and engines	2					2	
Motor cycles	1			1			
Hand tools	70			7	10	63	90
Falls of persons	64	1	2	4	6	59	92
Stepping on or striking against objects	62			1	2	61	98
Falling objects	33	2		4		27	
Electricity, explosions, and hot and corrosive substances	31	1				30	
Infections	7					7	
Rafting and river driving	6					6	
Miscellaneous	14					14	
Not reported	72	1	1	9	13	62	86

TABLE 16.—*Duration of temporary disability from each specified cause of industrial injury to illegally employed minors; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining temporary industrial injuries								
	Total	Duration of disability							
		Less than 4 weeks		4 weeks or more					
				Total		4 weeks, less than 12		12 weeks or more	
		Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]	Number	Per cent [1]
Total	807	558	69	249	31	223	28	26	3
Accidents due to machinery	216	157	73	59	27	50	23	9	4
Prime movers and transmission apparatus	8	5	-------	3	-------	2	-------	1	-------
Machines other than working machines	6	4	-------	2	-------	2	-------	-------	-------
Working machines	166	126	76	40	24	37	22	3	2
Woodworking	45	34	-------	11	-------	11	-------	-------	-------
Metal working	40	32	-------	8	-------	8	-------	-------	-------
Paper and paper products	23	17	-------	6	-------	5	-------	1	-------
Leather working	10	8	-------	2	-------	1	-------	1	-------
Printing and bookbinding	9	7	-------	2	-------	1	-------	1	-------
Baking and confectionery	9	7	-------	2	-------	2	-------	-------	-------
Textile	7	6	-------	1	-------	1	-------	-------	-------
Meat products	3	1	-------	2	-------	2	-------	-------	-------
Farm	3	2	-------	1	-------	1	-------	-------	-------
Other	17	12	-------	5	-------	5	-------	-------	-------
Hoisting apparatus	36	22	-------	14	-------	9	-------	5	-------
Elevators	30	17	-------	13	-------	8	-------	5	-------
Cranes and derricks	6	5	-------	1	-------	1	-------	-------	-------
Accidents not due to machinery	529	354	67	175	33	159	30	16	3
Handling objects	156	125	80	31	20	30	19	1	1
Vehicular accidents	106	44	42	62	58	59	56	3	3
Autos	76	31	41	45	59	44	58	1	1
Cranking	64	22	34	42	66	41	64	1	2
Other	12	9	-------	3	-------	3	-------	-------	-------
Animal-drawn vehicles	19	9	-------	10	-------	9	-------	1	-------
Bicycles	5	1	-------	4	-------	4	-------	-------	-------
Mine and quarry cars	4	1	-------	3	-------	2	-------	1	-------
Cars and engines	2	2	-------	-------	-------	-------	-------	-------	-------
Hand tools	63	51	81	12	19	12	19	-------	-------
Falls of persons	59	36	61	23	39	22	37	1	2
Stepping on or striking against objects	61	48	79	13	21	10	16	3	5
Falling objects	27	11	-------	16	-------	12	-------	4	-------
Electricity, explosions, and hot and corrosive substances	30	24	-------	6	-------	5	-------	1	-------
Infections	7	7	-------	-------	-------	-------	-------	-------	-------
Rafting and river driving	6	1	-------	5	-------	2	-------	3	-------
Miscellaneous	14	7	-------	7	-------	7	-------	-------	-------
Not reported	62	47	76	15	24	14	23	1	2

[1] Per cent not shown where number of minors was less than 50.

TABLE 17.—*Total and average amount of compensation payable to illegally employed minors sustaining industrial injuries, according to specified causes; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries	Amount of compensation					
		Total		Single		Penalty	
		Amount	Average [1]	Amount	Average [1]	Amount	Average [1]
Total	962	$363,318.67	$377.67	$130,913.75	$136.08	$232,404.57	$241.58
Accidents due to machinery	326	190,938.80	585.70	70,404.67	215.97	120,534.13	369.74
Prime movers and transmission apparatus	11	9,150.46		3,112.83		6,037.63	
Machines other than working machines	9	3,076.34		1,277.88		1,798.46	
Working machines	258	138,782.11	537.92	51,675.21	200.29	87,106.90	337.62
Woodworking	78	37,799.97	484.62	13,498.86	173.06	24,301.11	311.55
Metal working	58	19,947.64	343.92	7,336.20	126.49	12,611.44	217.44
Paper and paper products	29	19,576.26	675.04	6,579.78	226.89	12,996.48	448.15
Baking and confectionery	16	4,285.04		1,452.21		2,832.83	
Printing and bookbinding	15	4,134.24		1,528.86		2,605.38	
Leather working	13	4,379.73		1,461.70		2,918.03	
Meat products	10	21,349.75		10,683.88		10,665.87	
Textile	9	1,855.95		629.86		1,226.09	
Farm	8	13,757.82		4,585.94		9,171.88	
Other	22	11,695.71		3,917.92		7,777.79	
Hoisting apparatus	48	39,929.89	831.87	14,338.75	298.72	25,591.14	533.15
Elevators	39	35,297.12	905.05	12,788.21	327.90	22,508.91	577.15
Cranes and derricks	9	4,632.77		1,550.54		3,082.23	
Accidents not due to machinery	564	151,818.14	269.18	53,677.47	95.17	98,140.67	174.01
Handling objects	166	17,892.96	107.78	6,649.62	40.06	11,243.34	67.73
Vehicular accidents	111	29,261.62	263.62	10,249.03	92.33	19,012.59	171.28
Autos	78	16,344.23	209.54	5,788.90	74.22	10,555.33	135.32
Cranking	64	8,510.36	132.97	3,106.36	48.54	5,404.00	84.44
Other	14	7,833.87		2,682.54		5,151.33	
Animal-drawn vehicles	21	10,565.38		3,655.95		6,909.43	
Bicycles	5	685.39		248.96		436.43	
Mine and quarry cars	4	1,480.41		493.47		986.94	
Cars and engines	2	89.64		29.56		60.08	
Motor cycles	1	96.57		32.19		64.38	
Hand tools	70	36,180.68	516.86	12,222.68	174.61	23,958.00	342.25
Falls of persons	64	24,498.15	382.78	8,284.52	129.45	16,213.63	253.34
Stepping on or striking against objects	62	4,467.91	72.06	1,449.66	23.38	3,018.25	48.68
Falling objects	33	29,351.91	889.45	11,276.89	341.72	18,075.02	547.73
Electricity, explosions, and hot and corrosive substances	31	5,973.76	192.70	2,000.22	64.52	3,973.54	128.18
Infections	7	469.80		200.94		268.86	
Rafting and river driving	6	2,189.68		819.06		1,370.62	
Miscellaneous	14	1,531.67		524.85		1,006.82	
Not reported	72	20,561.38		6,831.61		13,729.77	

[1] Average not shown where number of minors was less than 25.

TABLE 18.—*Amount of total compensation payable to illegally employed minors sustaining industrial injuries, according to specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Cause of injury	Minors sustaining industrial injuries													
		Amount of total compensation												
	Total	Less than $50	$50, less than $100	$100, less than $200	$200, less than $300	$300, less than $400	$400, less than $500	$500, less than $1,000	$1,000, less than $2,000	$2,000, less than $3,000	$3,000, less than $4,000	$4,000, less than $5,000	$5,000, less than $10,000	$10,000 or more
Total	962	421	145	156	67	35	20	46	28	12	11	4	16	1
Accidents due to machinery	326	111	48	46	18	19	9	27	24	8	6	3	6	1
Prime movers and transmission apparatus	11	2	3	2	-----	1	-----	2	-----	-----	-----	-----	1	-----
Machines other than working machines	9	3	1	1	1	1	1	-----	1	-----	-----	-----	-----	-----
Working machines	258	89	39	37	15	12	6	20	23	7	5	2	2	1
Woodworking	78	26	6	12	3	5	4	8	10	2	2	-----	-----	-----
Metal working	58	25	8	8	2	3	1	5	4	-----	2	-----	-----	-----
Paper and paper products	29	9	11	2	1	-----	-----	1	2	2	-----	-----	1	-----
Baking and confectionery	16	2	4	4	2	1	-----	3	-----	-----	-----	-----	-----	-----
Printing and bookbinding	15	7	-----	2	-----	3	-----	1	2	-----	-----	-----	-----	-----
Leather working	13	8	1	1	1	-----	-----	-----	1	1	-----	-----	-----	-----
Meat products	10	1	1	2	2	-----	-----	-----	-----	1	1	1	-----	1
Textile	9	3	3	-----	2	-----	-----	-----	1	-----	-----	-----	-----	-----
Farm	8	1	1	-----	2	-----	-----	2	1	-----	-----	-----	1	-----
Other	22	7	4	6	-----	-----	1	-----	2	1	-----	1	-----	-----
Hoisting apparatus	48	17	5	6	2	5	2	5	-----	1	1	1	3	-----
Elevators	39	14	3	6	2	3	2	4	-----	1	-----	1	3	-----
Cranes and derricks	9	3	2	-----	-----	2	-----	1	-----	-----	1	-----	-----	-----
Accidents not due to machinery	564	274	85	104	43	15	8	15	2	4	4	1	9	-----
Handling objects	166	100	26	24	5	5	-----	4	1	1	-----	-----	-----	-----
Vehicular accidents	111	30	19	30	19	5	2	4	-----	-----	-----	-----	2	-----
Autos	78	21	15	22	14	2	2	1	-----	-----	-----	-----	1	-----
Cranking	64	14	14	20	13	1	2	-----	-----	-----	-----	-----	-----	-----
Other	14	7	1	2	1	1	-----	1	-----	-----	-----	-----	1	-----
Animal-drawn vehicles	21	7	1	6	3	1	-----	2	-----	-----	-----	-----	1	-----
Bicycles	5	1	-----	2	2	-----	-----	-----	-----	-----	-----	-----	-----	-----
Mine and quarry cars	4	-----	1	-----	-----	2	-----	1	-----	-----	-----	-----	-----	-----
Cars and engines	2	1	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Motor cycles	1	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Hand tools	70	[1] 40	12	7	4	-----	3	-----	-----	-----	-----	-----	4	-----
Falls of persons	64	25	11	12	8	2	2	-----	-----	2	1	-----	1	-----
Stepping on or striking against objects	62	42	7	8	2	2	-----	1	-----	-----	-----	-----	-----	-----
Falling objects	33	10	3	6	3	1	-----	3	1	1	2	1	2	-----
Electricity, explosives, and hot and corrosive substances	31	19	5	4	1	-----	-----	1	-----	-----	1	-----	-----	-----
Infections	7	4	-----	3	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Rafting and river driving	6	-----	-----	3	-----	-----	1	2	-----	-----	-----	-----	-----	-----
Miscellaneous	14	4	2	7	1	-----	-----	-----	-----	-----	-----	-----	-----	-----
Not reported	72	36	12	6	6	1	3	4	2	-----	1	-----	1	-----

[1] Includes 1 who did not receive any compensation.

TABLE 19.—*Per cent distribution of amount of total compensation received by illegally employed minors sustaining industrial injuries, according to each specified cause; Wisconsin, July 1, 1917–December 31, 1928*

Amount of total compensation	Minors sustaining industrial injuries										
	Total	Cause of injury									
		Accidents due to machinery			Accidents not due to machinery						Not reported
		Total	Working	Other	Total	Handling objects	Vehicular	Hand tools	Falls, stepping on or striking against objects	All other	
Total	100	100	100	100	100	100	100	100	100	100	100
Less than $50	44	34	34	32	49	60	27	57	53	41	50
$50, less than $100	15	15	15	13	15	16	17	17	14	11	17
$100, less than $200	16	14	14	13	18	14	27	10	16	25	8
$200, less than $300	7	6	6	4	8	3	17	6	8	5	8
$300, less than $400	4	6	5	10	3	3	5	-------	3	1	1
$400, less than $500	2	3	2	4	1	-------	2	4	2	1	4
$500, less than $1,000	5	8	8	10	3	2	4	-------	1	7	6
$1,000, less than $2,000	3	7	9	1	(1)	1	-------	-------	-------	1	3
$2,000, less than $3,000	1	2	3	1	1	1	-------	-------	2	1	-------
$3,000, less than $4,000	1	2	2	1	1	-------	-------	-------	1	3	1
$4,000, less than $5,000	(1)	1	1	1	(1)	-------	-------	-------	-------	1	-------
$5,000, less than $10,000	2	2	1	6	2	-------	2	6	1	2	1
$10,000 or more	(1)	(1)	(1)	-------	-------	-------	-------	-------	-------	-------	-------

[1] Less than 1 per cent.

ACCIDENTS DUE TO MACHINERY

Prime movers and transmission apparatus were responsible for 11 of the 326 machine injuries; machinery other than working machinery (such as electric fans, pumps, conveyors) for 9; and elevators and other hoisting apparatus for 48. (Table 11.) The remaining injuries were due to working machinery (that is, machinery directly manufacturing a product, such as wood and metal working or textile machinery). Almost three-fourths (168) of the machine accidents on which a report was made as to the manner of occurrence had occurred in operating or feeding the machines; the next largest number (25) had been in adjusting the machine, a tool, or the work; and the next largest (20) in cleaning or oiling; the remaining (20) had happened in starting or stopping the machine, in accidental starting, or in breaking of machine or work, or had resulted from flying particles, throwbacks, or being caught by loose clothing.

Prime movers and transmission apparatus.

Two injuries resulted from prime movers—motors, engines, etc.—and 9 from transmission apparatus. The accidents caused by prime movers, which were not serious, were both due to cranking—in one case the motor of a launch, in the other the engine on a pump used in road construction. The accidents due to transmission apparatus were caused by belts, pulleys, chains, and shafts. The most serious of these injuries was that of a boy of 16 employed without a permit as sawyer for a lumber company who caught his left hand in the gears on a shaft, resulting in such serious lacerations of all the fingers and thumb that amputation at the proximal joint was neces-

sary. Primary compensation payable in this case by the insurance company amounted to $2,328.57, and extra compensation by the employer $4,507.96,[85] making a total of $6,836.53.

Machines other than working machines.

Of the 9 cases of injuries caused by machines other than working machines, 7 were due to conveyors; in the other 2 cases to fans, one electric and one air. The circumstances in the only one of these cases in which the injury was serious were as follows:

A boy reported by his employer as 21 years of age, but who was actually only 17, was working for a road-construction company at a gravel pit, employment which is prohibited for minors under 18. He had his arm broken by catching it in a belt conveyor while cleaning the machinery, an occupation also prohibited for minors under 18. A number of hearings were held regarding this case and the commission twice amended its original award of $2,492.40 total compensation—$830.80 from the insurance company and $1,661.60 from the employer. As the facts in the case were disputed a compromise agreement was finally approved under which the insurance company paid $830.80 and the employer paid $1,000 (including the boy's lawyer's fee of $160), a total of $1,830.80.

Working machinery.

Accidents from woodworking and metal-working machines were the most important causes of injuries in the group of injuries caused by power-working machines, being together responsible for 40 per cent of such accidents. (Table 11.) Those injured by woodworking machinery included the largest proportion permanently disabled (42 per cent); about one-third of the injuries caused by metal-working machinery also resulted in permanent disability. Seventy-two per cent of the injuries due to power-working machinery occurred in the actual operation of the machine, 11 per cent occurred while the machine or work was being adjusted, and 9 per cent occurred while the machine was being cleaned or oiled. In its study of all compensable injuries to minors occurring in Wisconsin in 1919–20, the Children's Bureau[86] found that the proportions of injuries occurring from the actual operation of the machine and while the machine was being adjusted were almost the same as in the present study (74 per cent and 9 per cent, respectively), but that the proportion occurring while the machine was being cleaned or oiled was somewhat less (4 per cent), which is explained by the fact that oiling was prohibited as dangerous, so that a larger percentage injured in oiling might be expected among the illegally employed.

Woodworking machines.—Woodworking machines ranked first among the machines causing accidents, being responsible for 78 cases (including 2 girls), or 9 per cent of the total number for whom cause of injury was known. (Table 11.) Approximately three-fourths (59) were engaged in the manufacture of lumber and allied products, 30 being employed in saw and planing mills, 16 in the manufacture of wooden boxes, box shooks, pails, etc., 7 in furniture factories, and 6 in related industries. Of those not engaged in the lumber industry 5 were employed in shops engaged in the manu-

[85] This accident occurred when treble compensation was payable to minors employed in violation of the permit law (see p. 581).
[86] Unpublished figures.

facture or repair of auto bodies or wagons, 3 in pattern shops connected with machine shops or foundries, 2 in building construction, 1 by a wood dealer, and the rest in miscellaneous manufacturing industries. Besides the accidents attributed to woodworking machinery 5 others resulted from work in connection with such machinery, such as taking material away from saws, but were classified under other causes, such as handling objects.

The hazards of woodworking machinery are recognized in the Wisconsin child labor law, which prohibits the employment of minors under 16 in connection with the operation of a considerable number of such machines, including circular and band saws, crosscut saws or slashers or "other cutting or pressing machines from which material is taken from behind," and on planers, wood-turning, jointing, or shaping machines. Of the 78 accidents occurring to the illegally employed minors injured on woodworking machines 51 were caused by saws, 44 of which were circular, crosscut, or band saws, and 7 by planers. The fact that only 28 of the 78 minors were engaged in a prohibited occupation (Table 12) was due to the majority being 16 years of age or over, and therefore not subject to the regulations which apply specifically to employment on such machines. The number of accidents in connection with woodworking machinery to minors of 16 and 17 years of age suggests the necessity of raising the prohibited age.[87]

Six minors of 16 and 17 injured by woodworking machines were found to have been engaged in prohibited employment. In each case, however, the violation consisted not in operating the machine but in the cleaning or oiling of dangerous machinery in motion. Of the 26 children under 16, all but 4 were definitely found to have been engaged in prohibited employment. And it is possible that in some of these 4 cases an occupational violation existed.[88] The prohibited employments in which the children under 16 were engaged were as follows: Operating circular saws (4), planers (3), wood jointer (1), other cutting machines (in 6 cases saws) from which material is taken from behind (11), pressing machine from which material was being taken from behind (1), wood shaper or turner (1), and occupations generally dangerous to life or limb (1).

Eighty-eight per cent of the accidents from woodworking machines resulted in cuts, punctures, and lacerations. (Table 13.) Thirty-nine per cent resulted in amputations, compared with only 9 per cent of all accidents to illegally employed minors. Members were crushed or smashed in 4 per cent of the cases. Although no fatalities resulted from injuries caused by woodworking machines, 33 of the 78 minors thus injured (42 per cent; a higher proportion than

[87] The prohibited age is not higher than 16 in any State in which these occupations are specifically prohibited by law. The most usual prohibitions are on circular or band saws or on circular saws alone (25 States), planers (23 States), sand-paper or wood-polishing machinery (21 States), wood joiners or jointers (25 States), wood shapers (23 States), and wood turning or boring (22 States). Maryland and Wisconsin add crosscut saws, slashers, and other cutting machines. The Wisconsin prohibitions as to saws apply not only to operating but to "taking material from behind," an important clause not found in all laws, and adds "or other cutting or pressing machines from which material is taken from behind." In Pennsylvania and Michigan a minimum age of 18 for such machines has been fixed by rulings of the State labor departments, applying to all power-working machinery in woodworking shops. In Pennsylvania duly authorized apprentices under supervision are exempted.

[88] Three of these four minors were injured before June 30, 1925, so that they were entitled to treble compensation whatever the nature of the illegality, and the question of whether their employment was or was not prohibited was not raised.

in any other group), were permanently disabled. (Table 15.) Including 17 of the 28 employed in prohibited occupations, all except 2 of the permanently disabled had had all or parts of one or more fingers amputated, and 1 had lost 4 toes as a result of his accident. The 45 temporary disabilities were not so serious; only 11 lasted 4 weeks or more. (Table 16.)

Because of the large number of accidents that resulted in permanent disability the average amount of compensation payable for injuries due to woodworking machinery was relatively high. The primary compensation payable averaged $173.06, as compared with $136.08 for all who had been injured while illegally employed, and the average amount payable by employers in the form of extra compensation was $311.55, as compared with $241.58. (Table 17.) Only 32 per cent, as compared with 59 per cent of the total number of injured, received less than $100 in total compensation, whereas 28 per cent, as compared with 12 per cent of the total number, received $500 or more, and 18 per cent as compared with 8 per cent received $1,000 or more. (Table 18.) In two cases the total amount of compensation payable was between $2,000 and $3,000, and in two cases it was between $3,000 and $4,000.

Among the cases typical of the more severe injuries caused by woodworking machines are the following:

A boy of 15 who, according to the employer, "represented his age as 18 and looked it," was employed without a permit by a lumber company feeding the "hog" (a cut-off saw with revolving knife cutters for grinding up slabs), an illegal occupation for a minor under 16. In cutting an edging the saw jumped and amputated the boy's left thumb. Extra compensation (double the single indemnity) of $2,028.20, payable by the employer, was awarded by the commission.

A boy of 15, working on an expired permit, was employed by an electric-supply company. His occupation, according to the employer's report, was to assemble boxes and crates. On the day of the injury, however, he was taking away from a ripsaw, an illegal employment for a child of 15. In the absence of the operator of the saw, thinking the exhaust pipe was clogged, he investigated, his hand coming in contact with the running saw, which cut off his middle, third, and little fingers below the second joint. The cost to the employer, who was obliged to pay twice the amount of the primary compensation, was $651.30.

A boy of 14, who was said to have stated when he applied for the job that he would be 17 in a week's time, was given a job without a permit. The day after his employment began he was injured. Unknown to the office, according to the statement of the employer, someone in the veneer department of the establishment allowed him to work in that department, apparently on a machine cutting veneer. The knife of the machine cut off the tops of two middle fingers of the right hand so that the fingers had to be amputated at the first joint. His occupation was found by the commission to be illegal for a child of his age. Additional compensation paid by the employer (double the single indemnity) was $437.04.

A boy of 16, employed by a company manufacturing truck bodies in "cleaning shop, oiling, and truck driving," lost the end of his left thumb on a hand saw, a bone amputation being necessary. The boy was employed without a permit although the employer originally reported that he had one. The employer later said he had thought he had one as "they had told the boy to get one when they employed him." The penalty imposed upon this employer as extra compensation was $585.

A boy of 16, employed on permit, was injured only one and one-half hours after he was put to work taking material away from a dowel saw. The injury occurred when he was oiling the machine while it was in motion, an illegal operation for a boy of his age. According to the boy's statement, he had been

instructed to do the oiling by the operator of the machine. His thumb had to be amputated at the distal joint. The employer had to pay as additional compensation $627.55.

One of the most serious injuries caused by a saw resulted in the amputation of four toes at the proximal joint. A boy of 16, employed without a permit, in removing waste from under the saw had used his foot instead of a stick as the employer said he had been instructed to do. Primary compensation payable in this case was $877.27 and the employer's penalty was $1,754.54 (see footnote 85, p. 108), total compensation amounting to $2,631.81. The employer (a farmer and small dealer in wood) was not insured and had no property which could be taken by legal process to satisfy this claim, so that at the last report the boy had recovered nothing, though a lawyer retained by the boy expressed the belief that a few hundred dollars might be obtained.

A boy of 15, whose age was reported by the employer as 18 at the time of injury, and who had no permit, was employed by a company manufacturing packing boxes on a trimmer, a machine similar to a circular saw. The gears of the machine were unguarded. The boy drew his hand back in such a way that it was caught in the gears, resulting in partial loss of use of the index finger and necessitating the amputation of the thumb at the distal joint. The commission did not decide whether or not this boy was in an illegal occupation (see p. 89), but as the injury occurred in 1922 treble compensation was awarded, the employer's share amounting to $1,407.76.

A boy of 16, employed, without a permit, as marker in the pattern-making department of a company manufacturing automobile bodies, had to have the index finger of his left hand amputated between the second and third joints as the result of an injury from a band saw. According to the statement of the employer, the boy was not permitted to operate the saw, but came in at 7 a. m., before the factory opened, and started it while the operator was absent. Whether or not he was actually employed to do this work, he had no permit, and the employer was obliged to pay $1,274 in extra compensation.

One of the two girls whose injuries occurred at woodworking machines was employed on a stapling machine in the manufacture of wooden boxes for a fruit-packing company. While wiping the shaft of her machine when it was in motion her thumb was pulled into the gears and had to be amputated. Because she was only 17 and the cleaning of hazardous machinery in motion is prohibited in Wisconsin to minors under 18, her employer was obliged to pay additional compensation amounting to $1,092.

Metal-working machines.—Metal-working machinery caused 58 accidents (51 to boys and 7 to girls), 7 per cent of all those for which the cause of injury was known. Only 11 of this group were under 16, and 9 were 17 years old. All but 2 were in manufacturing industries, chiefly (42) in metal-working factories, but 1 was employed in retail and 1 in wholesale trade. Presses, chiefly punch presses, caused the largest number of injuries, and emery wheels caused the next largest number. Milling machines, lathes, shears, riveters, and buffers and polishers each caused a few of the accidents.

Average compensation was smaller than in the case of certain other types of machine accidents, but somewhat larger than the average in the case of accidents due to causes other than machinery. (Table 17.)

Metal-working machines, the operation of which is prohibited to children under 16 under the Wisconsin child labor law, are as follows: Corrugating rolls in roofing and washboard factories; emery or polishing wheel for polishing metal; iron and steel, wire or iron straightening machinery, punchers or shears; boring or drill presses; and stamping machines in sheet-metal and tinware manufacturing and in washer and nut factories.[89] The employment of minors under

[89] Wisconsin, Stat. 1929, sec. 103.05 (3) (c).

18 is prohibited "in the operating or using of any * * * abrasive or emery polishing or buffing wheel where articles of the baser materials or of iridium are manufactured." [90] In addition, the provisions of the child labor law prohibiting the employment of children under 16 in operating lathes or in operating or taking material from any cutting or pressing machine from which material is taken from behind may apply directly to some metal-working machinery.[91]

Two-fifths (23) of all the injured minors employed on metal-working machines were in prohibited occupations. Fifteen of the boys were 16 or 17 years old, and seven boys and the one girl who was injured were under 16. Of those 16 or over, 12 were illegally employed in operating emery, buffing, or abrasive wheels, 2 in cleaning or oiling dangerous machinery in motion, and 1 in working on or about a dock. The 8 who were under 16 were in miscellaneous prohibited occupations; 1 was operating a wire or iron straightening machine; 1 was operating shears; 1, a metal lathe; 1, a circular saw; 1 (a girl of 15), a punch press; 1 was adjusting a belt in motion; 1 was working on a milling machine, which was found by the commission to be an "occupation dangerous to life or limb," employment in which is prohibited to children under 16; and 1 was operating a drill press.

All but 8 of the accidents due to metal-working machines resulted in cuts, punctures, or lacerations; 14 necessitated amputations of all or parts of one or more fingers. No fatal injuries occurred, but 18, or about one-third of the minors injured by these machines, were permanently disabled. Eight of the 40 who were temporarily disabled were laid up 4 to 10 weeks.

Following are accounts of three of the more serious of these accidents:

A boy of 16, who had given his age as 18 when hired, was employed without a permit as a punch-press operator. When the accident occurred, the boy had had only about five days' experience on a punch press and according to the safety inspector who investigated the case was "practically ignorant of the dangers of the machine and had not been warned not to reach in from the back of the guard." Finding that some washers were sticking to the die and believing that he had seen the die setter wipe off the dies, he reached around the guard to brush them off and at the same time stepped on the pedal. Parts of three fingers were amputated; he was totally incapacitated for 5 weeks, and was awarded compensation of $884.85 from the insurance company and the same amount from the employer, a total of $1,769.70.

A boy of 17, who had given his age to the shipbuilding concern by which he was employed as 21, had had his left thumb amputated when operating a reamer. When the boy's father heard about the accident several months after it occurred, he wrote to the commission asking for advice, and it was then learned that the boy was really 17. His employment was therefore found to be illegal, as working on or about a dock is prohibited under the Wisconsin law to minors under 18. The boy was totally incapacitated about 4 weeks and

[90] Ibid., (3) (b).

[91] The types of metal-working machines on which the work of minors is prohibited in Wisconsin include those most commonly prohibited in State regulations. The operation of corrugating rolls is prohibited to minors under 16 in 19 States, of metal-cutting machines or shears in 27 States, of wire or iron straightening machinery in 24 States, and of stamping machines in metal manufacturing in 26 States. Work on punch presses is fairly generally prohibited to children under 16, such a prohibition being found in 28 States, but only 2 States (Michigan and Pennsylvania) have extended the prohibition to 16 and 17 year old minors. The operation of abrasive polishing or buffing wheels is one of the few machine operations prohibited not only for minors under 16 but for those 16 and 17 (10 States), and the prohibition of work on emergency or polishing wheels used in polishing metal applying to children under 16 in Wisconsin is likewise found in 17 States.

received compensation as follows: $1,024.10 from the insurance company and $2,048.20 from the employer, a total of $3,072.30.

A girl of 15 applied for work at an enameled tin and sheet-iron ware factory, stating that her age was 17. When told that she must get a birth certificate, she said she had to write for it to the town where she had previously lived. Pending the receipt of the certificate the girl was put to work operating a punch press. This machine was not properly guarded. After only a few hours at work her finger was caught in the press, so that part of her thumb and index finger were amputated. The girl was disabled 10 weeks and received compensation of $1,230.26 from the insurance company and $2,460.52 from the employer, a total of $3,690.78.

Paper and paper-products machines.—Machines used in the manufacturing of paper or paper products caused the injuries of 29 of the minors injured while illegally employed. Of these 16 (all boys) were employed in paper or pulp mills, 7 (3 of whom were girls) in paper-box factories, and 4 (including 2 girls) in the manufacturing of other paper products. Seven boys and one girl were employed in prohibited hazardous occupations, the regulation violated in most cases (6) being the provision of the child labor law prohibiting the employment of minors under 16 in cleaning machinery in motion or under 18 in cleaning dangerous or hazardous machinery in motion. One other, a boy of 15, was employed on shears, a prohibited occupation for children under 16, and still another boy of 13 was employed in an occupation prohibited under 14. Of these 8 minors, 3 boys and 1 girl who were injured by paper or paper-making machines were under 16 and all of these were in illegal occupations.

The only occupation connected specifically with the paper and paper-products manufacturing industries, in which the employment of minors is subject to special regulation in Wisconsin, is the operation of stamping machines in lace-paper manufacturing, prohibited to minors under 16. Occupations common to other industries as well as to the manufacture of paper or paper products in which the employment of minors is regulated are the operation of cylinder presses and of punchers or shears.[92] Five of the 29 minors injured on paper or paper-products machinery were working on paper-machine calendars, 2 were on corner-staying machines, and 1 on a lacing machine in a paper-box factory, work on all of which is prohibited in some of the other States.

Cuts and amputations had resulted in 14 of the 29 injuries caused by these machines. Five of those injured were permanently disabled and one was killed. Four of these, all resulting in amputations, occurred to boys in prohibited occupations. In 6 of the 23 cases in which the injuries caused temporary disability the period was at least 28 days. The number of cases is too small to indicate the relative severity of injuries—as, for example, the proportion resulting in permanent disability or in long-continued disability—caused by paper and paper-products machines, as compared with other kinds of machinery.

In regard to compensation, the averages are so affected by the inclusion of 6 cases in which very large amounts were payable that

[92] The operation of stamping machines in lace-paper manufacturing is prohibited to minors under 16 in 11 other States besides Wisconsin. Operations regarded as hazardous in other States which are not specifically named as prohibited by the Wisconsin child labor law include operating corner-staying machines in the manufacture of paper boxes (regulated in 11 States), calender rolls in paper manufacturing (regulated in 7 States), and paper-lacing machines (16 States).

they are not significant. Excluding these 6 cases, the average primary compensation was only $26.82, instead of $226.89. Twenty of the 29 injured received less than $100 in total compensation.

The facts regarding the six most serious cases were as follows:

A boy of 16, employed without a permit in a paper mill, had part of one finger amputated by the set screws of a rewinder machine. The amount of single compensation payable was $265.78 and the amount payable by the employer was $531.56 (see footnote 85, p. 108), a total of $797.34.

A boy of 15, employed on a permit but injured while cleaning a corrugating slitting machine while it was in motion (prohibited minors under 16), had his index finger amputated at second joint and 50 per cent disability to thumb at distal joint. He was awarded $541.31 in primary compensation, and $1,082.62 payable by the employer, a total of $1,623.93.

A boy of 16 employed without a permit at the sulphite plant of a paper-manufacturing company was assisting in putting a belt on moving machinery when he was drawn into the shafting and killed. The compensation paid to the parents was $700 from the insurance company and $1,400 from the employer, a total of $2,100.

A boy of 17 was hired as a screen hand in a paper mill. A week before the accident he had been assigned by the gang foreman to the job of oiling, though oiling and cleaning hazardous machinery in motion is prohibited minors under 18. While removing pulp from a roller, the boy used his hand, although a hose was provided for the purpose, and his body was drawn into the roller. He was totally incapacitated for 52 weeks and was permanently disabled to the extent of about 33 per cent loss of use of leg at the hip and loss of use of the other leg at the knee. Numerous hearings were held on this case. The commission finally approved a compromise settlement of $9,000—$3,000 to be paid by the insurance company and $6,000 by the employer. Full penalties were not imposed as some doubt existed as to whether the accident "arose out of and because of his unlawful employment."

Two boys relatively seriously disabled as a result of injuries from machinery used in the manufacturing of paper products were also found to have been injured while cleaning dangerous and hazardous machines in motion, which is prohibited to minors under 18. Both were employed in paper-box making factories. One, a boy of 17, slipped on the floor, having his hands caught in the rolls of an ink mill; his right hand was badly torn, one finger was amputated and partial loss of use of two other fingers resulted. Primary compensation payable in this case was $607.33, and the employer was liable for $1,214.66 in addition, making a total of $1,821.99. In the other case, that of a boy of 16 employed without a permit, parts of several fingers were amputated by a box-corner cutter which the boy was cleaning. Total compensation amounted to $2,545.62, of which $1,697.08 was payable by the employer.

Printing and bookbinding machinery.—Machinery used in connection with printing and bookbinding caused the injuries of 15 boys, of whom 14 were injured on cylinder, job, or other press, and one on a binder. Six were 16 years old, and the remaining nine were younger.

Wisconsin prohibits the employment of minors under 16 on all kinds of job and cylinder presses but has no other regulations in its child labor law which specifically relate to occupations pertaining to the printing and publishing industry.[93] Nine of the 15 boys injured were found to be employed in prohibited occupations. These cases consisted of 1 boy of 14 and 5 boys of 15 operating cylinder or job presses, prohibited to children under 16; 2 boys of 16 clean-

[93] Nineteen other States prohibit the employment of minors under 16 on job and cylinder presses; in 4 States this prohibition extends to all job or cylinder presses, in California to all kinds of printing presses, and in 14 other States to job or cylinder printing presses operated by power other than foot power.

ing dangerous or hazardous machinery (in one case a press) in motion; and 1, a boy of 13, cleaning machinery in motion and also engaged in work for which no permit could be issued for a child of his age.

Half the injuries were cuts, punctures, and lacerations. Six resulted in permanent disabilities, in 4 of which the minors had been employed in illegal occupations. Temporary disabilities were of relatively short duration except that of the boy of 13 listed above, who lost 17 weeks as a result of having a finger crushed in a cylinder press causing a bone fracture.

Total compensation was less than $50 in 7 of the 15 cases, but in 2 cases it exceeded $1,000. One was a 14-year-old boy who had just started to work without, the employer claimed, having been regularly hired and without a permit; he had parts of three fingers crushed in a cylinder press and was awarded $365.42 in normal compensation, and $730.84 in extra compensation, a total of $1,096.26. The other, also a 14-year-old boy working without a permit, had his fingers caught in the gears of a cylinder press, resulting in an amputation of a finger. He received a total of $1,010.72 in compensation.

Baking and confectionery machinery.—Fifteen boys and one girl were injured by baking and confectionery machinery. Six of the 16 were employed in bakeries, 4 in candy factories, 2 in ice-cream factories, 1 in a restaurant, 1 (the girl) in a hotel, 1 in the manufacture of macaroni, and 1 as bus boy in a billiard and bowling club.

Wisconsin prohibits work on dough brakes or cracker machinery of any description for minors under 16,[94] but has no other specific prohibition of work on bakery or confectionery machinery applicable to minors. The law also contains a provision prohibiting minors under 16 from operating or taking material from any cutting or pressing machine from which material is taken from behind. Five of the injured minors were found to have been employed in prohibited occupations. One, a boy of 14, was injured while employed as helper in a candy factory and fancy bakery, and was found by the commission's inspector to have been engaged in work on a dough brake. In addition, he was cleaning the machine in motion, which was also illegal. Another boy had two fingers amputated in a dough brake, but the prohibition as to dough brakes did not apply to him, as he was 17 years of age. He was found to have been employed, however, in the cleaning of dangerous or hazardous machinery in motion, which under the Wisconsin child labor law is prohibited to minors under 18. The girl who had her finger injured in a bread cutter was 16 and employed as waitress in a hotel; she was held to have been illegally employed, as work in hotels is prohibited in Wisconsin for girls under 17. The boy employed in a bowling alley was under 17, the age at which the prohibition of work in bowling alleys ceases to apply. A boy of 13 was hurt by a bread-cutting machine in the restaurant in which he was employed. His occupation was illegal as he was too young to obtain a permit for such work. Cuts, lacerations, or amputations resulted in all except one case. Seven of the minors, including four

[94] Twenty-four other States have this prohibition. Pennsylvania and Michigan prohibit the employment of minors under 18 on mixing machines in bakeries.

of the five illegally employed, suffered permanent disabilities. Of the 9 temporary disabilities only 2 lasted as long as 4 weeks. In 13 of the 16 cases the total compensation amounted to less than $400.

Leather-working machinery.—Machines used in the manufacture of leather products were responsible for 13 of the accidents, of which 11 (including 2 to girls) were to minors employed in the shoe industry, and 2 (both to girls) were to minors employed in the manufacture of gloves.

The employment of minors under 16 in Wisconsin is specifically prohibited in the operation of two types of machinery used in the manufacture of leather goods, namely, stamping machines and burnishing machines.[95] The records of the Wisconsin Industrial Commission showed one case of a child under 16 injured while illegally employed on a stamping machine, and 3 others of the 13 injured minors had been engaged in employment prohibited by law—one, a boy of 17, in cleaning dangerous machinery in motion; and two, both boys under 16, in employment dangerous to life and limb, which is prohibited children under 16 under a general clause pertaining to dangerous occupations.

Most of the 13 injuries caused by leather-working machines (cuts in 6; bruises, etc., in 3; crushed members in 3; and a fracture in 1) were slight, resulting in brief temporary disabilities, compensation for which amounted to only a few dollars. Three children, however, received permanent injuries; a 15 and a 14 year old boy employed on unguarded or improperly guarded machines and a 16-year-old boy on a splitting machine. The first two, therefore, were awarded treble compensation under the general dangerous-occupation clause, and the employer had to pay relatively large penalties in the form of extra compensation. The 14-year-old boy had been hired as a general worker less than a week before the time of the accident, but the foreman of the shop, who was his uncle, had permitted him to operate various machines when he had nothing else to do. When operating an unguarded skiver machine, which he had worked on only once before, he reached in to catch something in the machine, cutting off his left index finger. The cost to the employer in this case was $936 in extra compensation. The 15-year-old boy had been even more seriously injured, all the fingers of one hand having been cut off. His regular occupation had been to take away leather pieces from the blocking machine, a safe employment, but at the time of the accident he was feeding a stripping machine at the request of the foreman or of the operator of the machine. In this case the extra compensation paid by the employer was $1,556. In both these cases the employer had to pay for the careless actions of subordinates in instructing or permitting children to work on unsafe or unguarded machinery.

Textile machinery.—Nine of the illegally employed injured minors (3 of them girls) had been hurt by textile machinery. All were under 17, including 2 who were 15 and 2 who were 14 years of age. Five were employed in knit-goods factories, the principal textile manufacturing industry in Wisconsin; 1 in the woolen industry; 1 in an establishment making hammocks; and 2 in rug factories.

[95] Employment of minors under 16 on leather-burnishing machines is prohibited in 13 States besides Wisconsin and on stamping machines in leather manufacturing in 11 other States.

Carding machines were responsible for injuries to 4 of them (all boys); looms for injuries to 1 boy and 1 girl; a knitting machine for the injury of a girl of 15; and spooling or winding machinery for injuries to a boy of 16 and a girl of 14.

Work on carding machines or machines used in picking wool, cotton, hair, or any upholstering material is prohibited for minors under 16 in Wisconsin.[96]

Four of the nine minors injured on textile machines were found to have been engaged in employments prohibited by law. Two were injured while cleaning machinery in motion (prohibited to children under 16); 1, in oiling dangerous machinery in motion (prohibited to minors under 18); and 1, a girl of 14 employed on a spooling machine, was found to have been illegally employed under the general clause prohibiting the work of children under 16 in any employment dangerous to life or limb. The deputy who investigated the case of the 14-year-old girl stated in his report: "In my opinion it is not reasonable to place a permit child on this machine, or on any machine with winding, twisting, or pinching parts." One of the children injured while cleaning machinery in motion, a girl of 15, had her hand caught by the unguarded friction drive of her machine which she was cleaning. The employer stated that the girls were instructed not to touch the friction drive, but it was necessary for the operator's hands to come close to the drive in cleaning and the power was not turned off. According to the report of the deputy who investigated the case:

> This knitting machine is one of those which are reasonably safe in themselves, but which in their operation are hazardous not only to permit children but to grown up persons as well when the line shaft and its appurtenances, such as friction drives, clutches, etc., are not guarded. * * * A machine of this sort, and the shaft from which it derives its power, should by all means be considered as one unit. As we recall, there have been three very serious accidents on machines of this type. In one instance a woman of mature age, by picking up her handkerchief, caught her hair on an unguarded shaft, and her entire scalp, from her neck to her eyes, was taken off. That confirms my contention that it is fully as important, if not more so, to determine if the line shaft and its appurtenances are properly guarded, as it is to look into the condition of a machine before a permit is issued for children to work on this type of machine. * * * The shaft in question and also the friction drive were not guarded at the time this accident occurred, nor have they been guarded since, although an order had been made from this office to have this line shaft and other similar shafting guarded, for the last five years.

Cuts, punctures, lacerations, and amputations resulted in six of the nine cases. Although none of the minors was very seriously injured, two suffered permanent disabilities and one a slight disfigurement. In these cases the employer had to pay extra compensation of $100 or more; in one case $720. This case was that of a boy of 16 employed as "card boy" in a hosiery mill. In placing an end from the creel into the feed of the carding machine the sleeve of his shirt caught in the feed and his arm was drawn into the machine. Several of his fingers were injured, and the skin of his arm was torn off halfway around between the wrist and elbow. He was awarded compensation for temporary disability of 25 weeks, and also for permanent injury to hands and arm.

---

[96] Wisconsin is 1 of 8 States having a similar prohibition for work on carding machines and 1 of 20 with a similar prohibition for work on picker machines.

Meat-products machinery.—Machinery used in the preparation of meat products, in nearly every case cutting, grinding, or chopping machines, caused the injuries of nine boys and one girl. None of those injured was found to have been employed in an illegal occupation, though the serious nature of the injuries sustained suggests the advisability of prohibiting such employment as hazardous.[97]

Cuts, lacerations, or amputations resulted in all cases. In three cases only temporary disability resulted, lasting, however, a month or longer in two of the three. The seven remaining minors, all boys, were permanently disabled, most of them being relatively seriously injured.

Of the minors injured by meat-products machinery the following were awarded the highest compensation:

A boy of 16 was employed without a permit stuffing sausages in a restaurant. The fingers of his right hand became caught in the sausage machine and parts of three fingers and the thumb had to be amputated. Normal compensation payable by the insurance company was fixed by the commission at $925.64, the extra compensation payable by the employer being double that amount, or $1,851.28. (See footnote 85, p. 108.) The employer, however, refused to pay and was found to be execution proof (that is, to have no property on which a judgment could be collected), so the insurance company was obliged to pay the entire compensation of $2,776.92.

A boy of 14, not regularly employed but "helping out for a few days" a retail meat dealer, without a permit, had four fingers of his right hand amputated in a meat-chopping machine. The employer claimed that he had instructed all his employees never to use the meat chopper without the stamper, a safety device, and that "the only way to avoid such accidents is not to employ children, as one can not watch them every minute of the day." The occupation is not one specifically prohibited in the child labor law, and the commission held that it was not prohibited under the general clause prohibiting employment dangerous to life and limb. The various parties agreed that the insurance company should pay $1,569 and the employer a similar amount, and this agreement was approved by the commission.

A boy of 14, employed without a permit in a general store and meat market of which he was himself part owner and which was managed by his mother, had his right hand amputated at the wrist by a sausage grinder. The primary compensation payable by the insurance company was $5,281.96, and an equal amount was awarded by the commission as payable by the employer. In addition, the employer and insurance company were ordered to furnish the boy an artificial member. As his regular occupation was that of clerk it was not pronounced illegal by the commission. If it had been or if the injury had occurred before June 30, 1925 (see p. 59), the award would have been higher and the employer alone would have been required to pay more than $10,000 in compensation.

Farm machinery.—Farm machinery was responsible for injuries to 8 boys, 3 of whom were under 16 years of age. Except for a prohibition of the employment of minors under 17 on threshing crews (in effect since July 12, 1923, see p. 60), Wisconsin has no direct and specific prohibition of work on dangerous agricultural machinery for minors.[98] Five of the boys were employed on threshing crews,

[97] The only specific prohibition of work on meat-grinding machines by any State is found in Pennsylvania, where under a ruling of the State industrial board the minimum age is placed at 16 years.

[98] No State has a specific prohibition of work on dangerous agricultural machinery. The Missouri law even specifically exempts agricultural machinery from its prohibition of the employment of children under 16 in the operation of any power machinery. Wisconsin is the only State even to prohibit the employment of minors on threshing crews. In Indiana, in an informal opinion of the industrial board, it was stated that work on a clover huller, corn shredder, or threshing machine should be classed as dangerous to life and limb and therefore came under the general dangerous-occupations prohibition applicable to minors under 18.

but as three of these accidents occurred before July 12, 1923, occupational violations were found by the commission in only two cases. Permits had previously been required for such work, however, and as none of these boys had permits they were all subject to the extra compensation law on that violation alone. All were entitled to treble compensation as their injuries occurred when treble compensation was assessed for any kind of illegal employment. The three injuries due to farm machinery other than threshing machines were caused by a tractor, a corn crusher, and a hay press. Cuts, punctures, lacerations, or amputations resulted from all but one of the accidents due to farm machinery. One boy was killed, and four suffered permanent disability. Total compensation amounted to $500 or more in half of the cases, in two being more than $1,000 and in one amounting to $9,927.45.

The circumstances under which the fatality occurred were as follows:

A boy of 15 years was employed by a commercial threshing concern without a permit, operating the blower on a threshing machine. Apparently he slipped from a platform and fell on the handle which operates the blower, the point of the handle penetrating his rectum. He died several days later. The employer stated that he had no permit for the boy, as he understood that the permit law did not apply to farmers, nor did he carry insurance as he understood that the kind of threshing work they did was farm work and, as such, exempt from the provisions of the workman's compensation act. The father of the boy agreed to settle with the employer for $300, but the commission was not willing to approve settling the case for so small an amount. Finally a settlement for $1,800 ($600 primary compensation and $1,200 extra compensation) was approved by the commission and was paid.

Examples of other serious permanent injuries were as follows:

A boy of 16 employed as blower tender on a threshing machine started a weighing machine which, according to the employer, he had been instructed repeatedly not to touch, and caught his finger in the gears. The employer, a farmer, also claimed that he had obtained a "proper permit from the boy's father" before he put him to work. The boy was totally disabled eight weeks and suffered some permanent disability. Compensation of $543.18 was awarded ($181.06 normal compensation and $362.12 penalty). The employer was not insured and claimed that he could not afford to pay the compensation. The commission finally entered an award, ordering him to pay.

A boy under 17, who was employed tending the blower on a threshing machine, had part of his feet amputated and was totally incapacitated for 48 weeks. He received a total of $9,927.45 in compensation ($3,309.15 and $6,618.30).

Other working machinery.—Cases of serious injury resulting from working machinery of other kinds include the following:

A boy of 14 employed without a permit in a cheese factory had his hand caught in a cheese-cutting machine. The commission held that he was employed in an occupation dangerous to life or limb, prohibited for a child under 16, and awarded him, for permanent disability for 50 per cent loss of the use of his right hand, $1,631.72, payable by the insurance company, and $3,263.44, payable by the employer, a total of $4,895.16.

Several boys were injured by cement or concrete mixers. One of these, aged 17, was awarded $1,337.31 ($445.77 primary compensation, and $891.54 extra compensation) for a permanent injury to his hand, the commission finding that he had been oiling dangerous machinery in motion, an occupation illegal for minors under 18.

A boy of 15, employed as a teamster for a combined dairy farm and sand and gravel company, was hauling gravel when he stepped on a temporarily unguarded belt of a stone crusher, suffering a dislocation of his shoulder and a broken leg. These injuries resulting in permanent disability, the commis-

sion awarded compensation amounting to $1,577.22, of which $1,051.48 was payable by the employer as double indemnity, as the boy was employed not only without a permit but also in or about a quarry, an occupation prohibited for boys under 18.

A boy of 15 was employed in the rubber industry on permit but suffered permanent disability from an injury to his fingers in a calender roll, on which work is illegal in Wisconsin for children under 16.[99] The total amount of compensation payable in this case was $432.90, of which $288.60 was payable by the employer.

A girl of 15, employed without a permit to operate laundry machinery, which in Wisconsin is prohibited for minors under 16, lost the first two fingers of her left hand on a flat-work ironer.[1] In addition to working on a prohibited machine, she was cleaning machinery in motion, which is also prohibited for minors under 16. The compensation awarded was $2,144.01, of which $1,429.34 was payable by the employer.

A boy of 16, employed without a permit by a large machine-manufacturing concern, had his head and arm caught and crushed in the machinery and was killed. A compromise settlement of $3,000 was approved—$1,000 to be paid by the insurance company and $2,000 to be paid by the employer. (See footnote 85, p. 108.)

Hoisting apparatus.

Hoisting machinery was responsible for 48 injuries, 39 were caused by elevators, and 9 by cranes and derricks.

Elevators.—Accidents directly caused by elevators occurred to 32 boys and 7 girls. All the girls and 21 of the boys were 16 or 17 years of age; but 7 boys were 15, 3 were 14, and 1 was only 13. Seventeen injuries resulted from the workers being caught between the platform and the floor. Three were caused by falls down the elevator shaft.

The Wisconsin child labor law prohibits the operation or management of elevators by minors under 18 years of age.[2] Although 25 boys and 7 girls were actually operating elevators at the time of the injury, the regular occupation of only 9 of the 39—3 boys employed in office or apartment buildings, and 6 girls, 1 employed in a hotel and the rest in retail stores—was that of elevator operator. Most of the workers injured in elevator accidents were employed as helpers or general workers, in order filling, errand, messenger, or delivery work, or in trucking and the like, which require the worker to go from one floor to another. Some employers claimed that the injured minor had been instructed not to operate the elevator, or that general orders to that effect had been issued applying to all minors in an establishment. A number of the minors, however, had been instructed in the operation of the elevator by some foreman or other workman or were in the habit of operating it occasionally or of substituting when the regular operator was absent. Other employers claimed that the minor had given his age as 18 or older when he had

[99] Employment on calender rolls in rubber manufacturing is prohibited for minors under 16 in 19 States in addition to Wisconsin, and on all calender rolls in 1 additional State. The work of minors under 16 years of age in 26 States, including Wisconsin, is prohibited on "washing, grinding, and mixing machines" or on "grinding and mixing machines."

[1] Operation of any laundry machinery is prohibited for minors under 16 in 25 States, including Wisconsin, and a still broader prohibition of all employment of such minors in laundries is found in 4 States.

[2] Under State child labor laws, the minimum age for operation of any elevator (sometimes also in "assisting" in operation) is 16 in 16 States and 18 in 13 States, though in some of the latter States the minimum age is lowered to 16 for freight elevators or elevators running at less than a specified speed. These prohibitions as to employment of minors on elevators do not represent the entire protection which the law extends to such employment, as both State safety codes and municipal regulations contain provisions regarding licenses for operators of elevators, particularly passenger elevators, which fix a minimum age, usually at least 16 and often 18.

applied for work and that he had been hired without an investigation of his age; this was true in most of the cases in which the minors were actually employed as elevator operators. One employer maintained he did not know the law.

Twelve of the accidents resulted in crushed or smashed members, 12 in bruises and contusions, and the remaining in fractures, cuts, burns, and sprains. Four fatalities and 5 permanent disabilities resulted; in 5 of the remaining cases (2 of them injuries to girls), temporary total disability of 12 weeks or more resulted. One boy and one girl were each temporarily totally disabled for approximately 20 weeks.

The cost of elevator injuries in terms of compensation paid is relatively high. Whereas the average amount payable for ordinary compensation in all the cases included in this inquiry was $136.08 and the average amount payable by the employers in extra compensation was $241.58, the average amounts payable in the elevator accident cases were more than twice as much—$327.90 and $577.15, respectively. In 5 cases the total amount of compensation payable to the injured minor or his heirs was $2,000 or more; in 4, $4,000 or more, and in 3, $5,000 or more, the maximum sum awarded amounting to $8,626.35. The fact that four fatal cases are included in this relatively small group of 39 means that the average amount of compensation payable is less than it might have been in view of the severity of the cases as the amount of compensation in fatal cases is reduced in accordance with the extent to which those entitled to receive compensation for the injured minors death are dependent upon him.

The facts in the most serious of the elevator accidents were as follows:

A boy of 16, employed as an order clerk in the wholesale distribution plant of a large manufacturing concern, attempted to jump on a moving elevator and fell down the shaft from the second floor to the basement, a distance of approximately 22 feet, suffering injuries from which he died a few hours later. He had no permit for this job but had had one for a previous job. When employed, he had told the manager that he had a permit; and the latter, not realizing that he was supposed to have the permit in his possession before letting the boy go to work, did not require him to produce it. A settlement for $5,000 was made between the employer (a self-insurer) and the boy's mother, and was approved by the commission.

A boy of 17, employed as warehouse assistant by a wholesale produce and grocery concern but at the time of the accident illegally operating an elevator, was caught between the moving elevator and the gate. His head was crushed, causing instant death. The insurance company paid compensation of $1,452, and a compromise was effected and approved by the commission whereby the employer paid $1,500.

A boy of 15, a student in high school, was employed in an apartment house after school hours—from 4.30 p. m. until midnight—to operate an elevator. In closing the door of the elevator he got caught between the door and the car and was killed. Three provisions of the child labor law were violated in this case: (1) The employment of a minor under 18 as an elevator operator, (2) the employment of a minor under 17 without a permit, and (3) the employment of a minor under 16 after 6 p. m. The manager of the apartment house claimed ignorance of all of these. A settlement for $7,250 compensation ($2,416.65 payable by the insurance company and $4,833.35 by the employer) was approved by the commission.

A girl whose age was reported as 19, was killed while operating an elevator in a hotel in which she was employed as a domestic. As only cases in which the age of the injured worker is reported as 18 or younger are referred to the

child-labor department of the commission for special investigation as to legality of employment, the fact that the girl was only 16 years of age did not come to the attention of the commission until some time after the occurrence of the accident and after a compromise settlement had been made by the insurance company, with the approval of the commission. More than one year after this settlement had been approved, the commission awarded death benefits equal to double the amount which had already been paid because the girl had been employed in a prohibited employment. The case was appealed to the courts. The circuit court affirmed the commission's action, but the supreme court reversed the award on the ground that the commission was without jurisdiction, because by the express language of the act the settlement previously approved by it had become absolute after the expiration of one year.[3]

A boy of 15, employed without a permit as errand boy in a candy store, met with a severe permanent injury to his left leg while operating an elevator the day after he began to work. According to the boy's statement he had been instructed by a foreman to go to the first floor and bring the elevator down to the basement. The employer's wife, who had hired him, said that she had been told that a permit was not required for work during summer vacation and that was why she had not procured a permit for this boy (the injury occurred on June 27). The cost of the omission to this employer was $2,882.12, and the total compensation payable was $4,323.18.

A boy of 15, who was employed without a permit as a trucker by a large tire-manufacturing concern, was riding with his truck on a freight elevator when his right foot was crushed between the elevator and the second floor sill. The foot was severed above the ankle. Primary compensation of $2,875.45 and extra compensation of $5,750.90, a total of $8,626.35, was awarded. This boy had formerly been employed by the same company and had been discharged when he was found to be only 15 years of age, but later he had returned, giving an assumed name and a new address and stating his age as 18 and had been reemployed.

Cranes and derricks.—Nine boys were injured by hoisting machines other than elevators—cranes, derricks, and the like. The only prohibited employment in connection with hoisting machinery is limited to "the running or management of elevators, lifts, or hoisting machines," which is illegal for minors under 18,[4] and only 4 of the 9 minors were held as employed in violation of this prohibition. The remaining 5, although injured by hoisting machines, were not operating the machines so were not employed in a prohibited occupation, but as they were under 17 and employed without permits their employers were liable for extra compensation. Permanent injuries resulted in 3 of the 9 cases. Average primary compensation payable in these cases was $172.28. In 5 cases total compensation (including extra as well as primary) amounted to less than $70; in the remaining 4, to $300 or more.

The most serious case in this group was as follows: A boy of 16, employed as laborer in a machine shop, had worked only one day when a machine casting weighing about 700 pounds, which he was helping to move along on a chain hoist, fell upon him. His hip was fractured and he was totally incapacitated for 71 weeks, and in addition suffered some permanent disability (20 per cent loss of use of leg at the knee). He had no permit, and as he was actually operating the hoist the commission held that he was employed in a prohibited occupation. The compensation awarded totaled $3,106.35 ($1,035.45 in primary and $2,070.90 in extra compensation).

---

[3] Hotel Martin Co. *v.* Industrial Commission, 195 N. W. 865 (1923).

[4] Except that under a ruling of the industrial commission dated November, 1927, minors over 16 employed as apprentices may operate hand hoists in machine shops for the purpose of bringing and removing material.

ACCIDENTS NOT DUE TO MACHINERY

Handling objects and vehicles were the principal causes, other than machinery, of the injuries to the illegally employed minors; hand tools, falls, and stepping on or striking against objects caused a number, and falling objects, contacts with electric currents, explosions, infections, and skidding or dragging logs in the logging industry, were responsible for some. The accidents that were not caused by machinery (though the children in some instances may have been working on a machine) occurred in a variety of illegal occupations including: Working in bowling alleys;[5] working in hotels or restaurants or in boarding houses conducted by an industrial plant for its own employees;[6] lumbering and logging operations;[7] outside erection and repair of electric wires;[8] work in connection with road construction;[9] working on threshing crews;[9] operating elevators;[10] operating or taking material from a saw, planer, or other cutting machine;[10] working on a job, cylinder, or drill press;[10] working in or about docks or quarries;[11] and working on scaffolding or on ladders in the building trades.[12]

Handling objects.

Next to machinery the principal single cause of injury was the handling of objects. There were 166 accidents, 23 to girls, due to this cause among the total included in this study. The largest number had occurred in dropping or being caught under or between heavy objects or from strain in lifting, but the handling of such articles as glass and nails, or slivers, had caused almost as many of the injuries. A few had been caused in the handling of wheelbarrows, rollers, and other hand trucks.

Thirty-one of the injured minors were employed in prohibited occupations at the time of the accidents caused by handling objects, of which one resulted in permanent disability. The prohibited occupations were as follows:

	Boys
Work in bowling alleys (prohibited under 17 by ruling)	8
Lumbering and logging operations (prohibited to boys under 16 by ruling)	2
Outside erection and repair of telephone wires (prohibited under 18 by law)	3

[5] Wisconsin prohibits the employment of minors under 17 in bowling alleys and 21 other States prohibit the employment of minors under 16 in bowling alleys. Pennsylvania prohibits this employment under 18.

[6] Wisconsin and 5 other States prohibit the employment of boys and girls under 16 in hotels. (For girls in Wisconsin the minimum age is 17.) Virginia and the District of Columbia prohibit this employment for girls under 18. Washington prohibits the employment of all females as bell hops in hotels and of girls under 18 as bus girls. Wisconsin prohibits the employment of girls under 17 in boarding houses in lumber camps, and is the only State having a prohibition of this type.

[7] Wisconsin is the only State that prohibits the employment of boys under 16 in lumbering and logging operations, although Oregon prohibits the employment of minors under 18 as logging engineers.

[8] Wisconsin and 6 other States prohibit the employment of minors under 18 in the outside erection and repair of electric wires.

[9] Wisconsin is the only State that prohibits the work of minors in road construction or on threshing crews. The minimum age in Wisconsin for both these types of work is 17 years.

[10] State prohibitions relating to employment of minors in the operation of elevators and on saws or cutting machines and on presses have been listed on pp. 109, 112, 120.

[11] Wisconsin and 3 other States (Maryland, Michigan, and Ohio) prohibit the employment of minors under 18 in or about docks. Work in quarries is prohibited under 16 years of age in 25 States, under 17 in 1 State, and under 18 in 3 States (including Wisconsin) and the District of Columbia.

[12] Wisconsin and 15 other States prohibit the employment of minors under 16 on scaffolding or at heavy work (and in a few cases at any work) in the building trades.

	Boys
Road construction work (prohibited under 17 by ruling)	2
Running or management of elevators (prohibited to minors under 18 by law)	2
Work on planer (prohibited under 16 by law)	1
Operating or taking material from cutting machine from which material is taken from behind (prohibited under 16 by law)	1
Working in or about a dock (prohibited under 18 by law)	1
Working in or about a quarry (prohibited under 18 by law)	1
Working at employment for which permit not granted children of that age by law (age, 12 or 13 years)	1
	Girls
Work in hotels or restaurants or in a boarding house conducted by industrial plant for own employees (prohibited to girls under 17 by ruling)	9

Cuts, punctures, and lacerations resulted in 50 per cent of these accidents; bruises and sprains constituted 16 and 15 per cent, respectively, of the number; and crushed members and fractures each constituted 10 per cent. None of the injuries resulted fatally, and only 10 (6 per cent) resulted in permanent disability, as compared with one-third (35 per cent) of the injuries due to working machinery. Only 20 per cent of the temporary disabilities lasted four weeks or more as compared with 24 per cent of the temporary disabilities resulting from accidents caused by working machinery.

The average amount of primary compensation payable to minors whose injuries were caused by handling objects was relatively low—$40.06, compared with $200.29 for working-machine injuries and with $136.08 for all injuries sustained by the illegally employed minors. One hundred (60 per cent) received less than $50 in total compensation, compared with 34 per cent of those injured by working machinery and 27 per cent of those injured by vehicles. Only 6 (4 per cent) received as much as $500 in total compensation, compared with 23 per cent of those injured by working machinery and 12 per cent of the total number; and only 2 (1 per cent) received $1,000 or more, compared with 16 per cent of those injured by working machinery. One of the two receiving $1,000 or more was a boy of 16 employed without a permit by a milk-products company. He got a sliver in his thumb in feeding a labeling machine, which resulted in blood poisoning. He was totally disabled for 30 weeks and suffered permanent injury to a thumb and finger. The insurance company and the employer were each required by the commission to pay $874.85, a total of $1,749.70.

Vehicles.

The third largest group of injuries resulted from vehicular accidents. Vehicles were responsible for 111 accidents, all to boys, and, on the whole, to the younger boys—36 per cent, compared with 27 per cent of all the injured, were under 16, all but 1 were under 17, and 4 were under 14.

Automobiles caused the majority (78) of these injuries; 64 were due to cranking cars, 4 to overturning of cars, 6 to collisions, 2 to falls from trucks, 1 (a fatality) to being struck by a car, and 1 to being caught between a backing truck and a building. Accidents were due to animal-drawn vehicles in 21 cases (in 7 of which the accidents resulted from falls from the vehicles); to bicycles in 5 cases; to a motor cycle in 1; to cars in mines or quarries in 4; to

trucks or tracks in factories in 2; and to a train in 2. Of the four 13-year-old children, 2 were injured in cranking cars and 2 in falls from bicycles when delivering papers.

Of the 78 minors injured by automobiles, 42 were employed as truck drivers or helpers on trucks, 8 as mechanics or in repair work in garages, 4 in cleaning or washing cars or sweeping in garages, and 11 in clerical or general work in garages, automobile agencies, or filling stations. But 3 were clerks in retail establishments, 9 were laborers or other general workers, all of whom were injured in cranking cars for their employers, and 1, who was killed, was struck by an automobile while working on a highway. Of the 5 children (all of whom were under 16) injured by bicycles 3 were employed regularly in delivering papers or packages; but 1 was a hotel bell boy, and another a water boy in a factory, both of whom were engaged in outside errands in connection with their jobs. Of the 21 injured by animal-drawn vehicles, 9 were reported as teamsters, 5 as laborers, 4 in various occupations connected with the lumber industry, and 3 in miscellaneous loading or unloading.

Wisconsin has no regulations prohibiting the work of boys on or about vehicles, such as are in effect in a few States (see below), so that a relatively small proportion of the minors injured by vehicles (10 per cent (11 boys) as compared with 27 per cent of all those injured while illegally employed) were employed in prohibited occupations. Three of these boys (one 17 years of age, one 16, and one 15) were employed as laborers in or about quarries, an occupation prohibited by law to minors under 18. One, a boy of 15, was employed as laborer in the outside erection or repair of telegraph wires, also prohibited by law to minors under 18. The fifth was a school boy of 12 employed by a bakery to deliver bread in the early morning in violation of the minimum age provision of the child labor law; his wrist was fractured in cranking the delivery truck. The 6 others found in prohibited occupations had been employed in violation of rulings made by the commission. One of them had been working in a hotel, work which was prohibited for boys under 16 (while on an errand he had fallen from his bicycle and cut his leg; being disabled for a little more than four weeks); all the others had been engaged in road-construction work, prohibited for minors under 17.

As in the case of elevators (see p. 120) the child labor law prohibitions do not represent the entire legal protection of children engaged in work on automobiles and other motor vehicles in Wisconsin. Although employment on motors is not prohibited as a dangerous occupation by the child labor law or by rulings, the State and city licensing regulations fix a minimum age for operators of automobiles. As shown above, however, the actual operation of automobiles was not the cause of most of the injuries occurring to minors in this study, nor has it been found to be in other studies. In Indiana in the present study (see p. 180) practically one-half the injuries caused by motor vehicles occurred while the minor was cranking the machine, and in the Children's Bureau study of industrial accidents to employed minors in Wisconsin, Massachusetts,

and New Jersey the proportion was 53 per cent.[13] A study of industrial accidents to children under 16 in California[14] showed that motor vehicles were the most important single cause of accidents among the children under 16 and were a far more serious danger to the younger than to the older group of workers (causing 23 per cent of the accidents to those under 16 but only 15 per cent to those under 18) and that of the 91 accidents caused by motor vehicles to minors under 16, 83 were sustained by minors employed in delivering goods from such vehicles.

As a result of this study California, by ruling of the department of industrial relations, now prohibits the delivery of goods of any kind from motor vehicles by children under 16. Illinois also prohibits the employment of minors under 16 in cranking motor cars or trucks.[15]

Fractures and dislocations were the principal types of injury. Sixty-six per cent of the boys injured by vehicles sustained fractures and dislocations; 15 per cent, bruises; 9 per cent, cuts; and 7 per cent, sprains. Two of the accidents, both caused by automobiles, were fatal, but only three others (one caused by a motor cycle and two by animal-drawn vehicles) had resulted in permanent injuries. Thus, only 3 per cent of those who met with vehicular accidents had suffered permanent injuries, as compared with 15 per cent of all minors injured while illegally employed and 35 per cent of those who had been injured by working machinery. Temporary injuries, however, were relatively serious, almost two-thirds (58 per cent) having resulted in disability of 4 weeks or more as compared with less than one-third (31 per cent) of the total number injured while illegally employed. One boy was disabled 24 weeks, 1, 25 weeks, and 1, 29 weeks. Only one other minor in the entire group suffering a temporary disability was disabled for a longer period.

The average amount of compensation payable in the cases of vehicular accidents was somewhat lower than the average in the total number of cases, $92.33 (primary compensation) and $171.28 (extra compensation), as compared with $136.08 and $241.58, respectively, for the whole group of injured minors, indicating that in general these vehicular accidents were less serious. In only two cases (one a fatality) did the total compensation paid amount to $1,000 or more, compared with 7 per cent of the accidents of all kinds for which extra compensation was awarded. In both these cases the total compensation paid amounted to more than $5,000. On the other hand, a large number were of moderate severity—56 per cent, as compared with 41 per cent for the whole group, were paid $100 or more.

The circumstances of the two fatalities and one serious case of permanent disability resulting from vehicular accidents were as follows:

---

[13] Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, pp. 16, 42, 56. U. S. Children's Bureau Publication No. 152. Washington, 1926.

[14] Monthly Labor Review (U. S. Bureau of Labor Statistics), vol. 26, No. 5 (May, 1928), pp. 53–54).

[15] On the other hand, Pennsylvania, which has by law a minimum age of 18 for acting as chauffeur of automobile, has an interpretative ruling to the effect that though no minor under 18 may assist in operation of an automobile, such minors may ride on automobiles while engaged in such occupations as delivery of merchandise, etc., but shall not assist in the operation of the car.

A boy of 16 was employed without a permit as roustabout and truck driver by a manufacturing concern. According to the employer he had stated when applying for work that he was 17 and would bring a birth certificate the following morning. The employer permitted him to go to work without waiting to see the certificate. The second day of his employment the truck he was driving was hit by a passenger train and he was killed. As his parents were only partially dependent, a compromise settlement was agreed upon between the parties and approved by the commission that the insurance company should pay $400 in cash and $200 for funeral expenses and the employer should pay $500. In addition, as no person was wholly dependent upon the deceased, the insurance company was required to pay the State treasury the sum of $1,000. (See p. 55.)

A boy of 16, who was driving his uncle's team for a road-construction concern, was hit by an automobile and killed. The boy was not a regular employee of the company and had not, in fact, been hired for the job, but he had been brought by his uncle to take the latter's place while he went away for a few hours. After hearings, the commission awarded compensation of $1,920 payable by the insurance company and, as road-construction work is illegal for minors under 17 and the workmen's compensation law applies to helpers as well as employees, of double this amount or $3,840 payable by the employer, a total of $5,760. The insurance company and the employer appealed this award on various grounds, the most important being that the deceased was not an employee under the terms of the workmen's compensation law and therefore not entitled to compensation. Both the circuit court and the supreme court upheld the commission's award.

Another boy was totally disabled for 23 weeks and suffered a serious permanent disability of his arm as a result of falling from the wagon he was employed to drive in road-construction work. He was reported by the employer as 16 years of age, but he was actually 15, and had no permit for work. The commission awarded primary compensation of $2,302.76 and double that amount in extra compensation, making a total of $6,908.28.

Hand tools.

Hand tools caused 70 of the injuries, 3 of which occurred to girls. In 20 of the accidents the tools were axes; in 12 each, knives and hammers; and in 14, building tools other than hammers.

Ten of the 70 injured minors were employed in prohibited occupations, a very small percentage, being but 14 per cent as compared with 42 per cent of those injured by working machinery and 27 per cent of all the injured. The regulations violated and the number of cases in each group were as follows:

	Boys
Road-construction work (prohibited under 17 by ruling)	4
Lumbering and logging operations (prohibited boys under 16 by ruling)	3
Outside erection and repair of telephone wires (prohibited under 18 by law)	2
	Girls
Working in boarding or rooming house (prohibited girls under 17 by ruling)	1

Eighty-one per cent of the injuries caused by hand tools resulted in cuts, punctures, or lacerations; 7 per cent in bruises; and 6 per cent in crushed members. Seven of the injuries resulted in permanent disabilities and 12 in temporary disabilities of from 4 to 12 weeks. The average amount of primary compensation paid for injuries from hand tools, owing to a few very serious accidents, was almost as great as for injuries from working machinery—$174.61 compared with $200.29. The proportion receiving less than $50 in total compensation was relatively greater than among those injured by working machines—57 per cent as compared with 34 per cent—

and the proportion receiving $500 or more was relatively less—6 per cent as compared with 23 per cent. The four minors awarded $500 or more, however, received between $5,000 and $10,000.

In each of these four cases a 16-year-old boy lost an eye as a result of the accident. One, employed as a laborer by a drop-forge company, had his eyeball pierced by a steel chip; another had been a helper in an auto factory when a flying particle of steel from a hammer struck his eye; the third was loading stone on a road-construction job; and the fourth was hit by a flying sliver from a steel chisel when employed in a logging camp. Although only one of these boys had been employed in a prohibited occupation, none of them had permits, and as all the accidents occurred before 1925, when employers were liable for payment of twice the basic compensation for violation of the permit law, treble compensation was payable in all cases.

Falls of persons.

Sixty-four minors, ten of them girls, were injured in falling, generally from buildings, scaffolds, loading platforms, stairs, balconies, benches, poles and trees, machines and boilers, piles, ladders, windows, into floor openings, vats or tanks, etc.; in some cases as a result of stumbling, slipping, or jumping.

One-fourth of the minors, 13 boys and 4 girls, were employed in prohibited occupations, as follows:

	Boys
Work on scaffolding or ladder in the building trades (prohibited under 16 by law)	4
Work in or about mines or quarries (prohibited under 18 by law)	2
Outside erection or repair of telephone wires (prohibited under 18 by law)	2
Lumbering and logging operations (prohibited for boys under 16 by ruling)	1
Road construction (prohibited under 17 by ruling)	1
Work in or about a dock (prohibited under 18 by law)	1
Work in bowling alley (prohibited under 17 by ruling)	1
Employed at work for which no permit allowed under the child labor law for minor of that age (child 13 years of age)	1
	Girls
Work in hotels or restaurants (prohibited for girls under 17 by ruling)	4

Sprains and strains resulted in 31 per cent of the accidents in this group, but bruises, etc., were caused in 25 per cent and fractures in 22 per cent. One minor was killed and 4 (6 per cent compared with 15 per cent of all the injured minors) were permanently disabled. On the other hand, 23 (39 per cent as compared with 31 per cent of all the minors illegally employed) of the minors temporarily disabled were totally disabled four weeks or more.

The average amount of primary compensation paid in cases involving falls was $129.45 compared with $136.08 for the entire group of injured minors in the study. Although in only four cases did the total compensation amount to $500 or more (6 per cent as compared with 12 per cent of all minors injured), in each of these four the total compensation payable was $2,000 or more, in one case more than $9,000. Excluding these four cases the average amount of primary compensation paid in this group was only $38.90.

The facts with reference to these four cases are as follows:

A boy of 14, employed by a construction company, fell 34 feet from a scaffolding and died from his injuries four days later. He was employed at a prohibited occupation, work in the building trades on scaffolding being pro-

hibited to children under 16. Under an agreement reached between the parents of the minor and the employer and his insurance carrier, which was confirmed by the commission, his parents were awarded $700 from the insurance company and $1,400 from the employer.

A caddy of 13 stepped into a hole when running to locate a golf ball and was permanently injured to the extent of 20 per cent loss of use of his foot at the ankle. He was totally disabled for 87 weeks. As he was employed at an occupation for which permits could not be issued to children of his age he was regarded by the commission as employed in a prohibited occupation. Under an agreement reached by the parties involved and approved by the commission he was awarded compensation of $911.99 from the insurance company and $1,823.98 from the employer, a total of $2,735.97.

A boy of 16, employed by an electric light and power company without a permit as helper to an electric lineman and at the time of injury engaged in the outside erection or repair of electric wires, an employment prohibited for minors under 18, fell from the top of a telephone pole. Both his arms were broken and his jaw and skull fractured; he was totally disabled 29 weeks, suffered a permanent disability of 20 per cent loss of use of both hands and feet, and was badly scarred. Compensation payable amounted to $1,299.17 from the insurance company and $2,598.34 from the employer, a total of $3,897.51. He was in a hospital for 6 weeks and received compensation for total temporary disability for 29 weeks. He was not strong enough to attempt work of any kind for a year and a half, however, and when visited five years after the accident by a representative of the Children's Bureau was found to have been out of work for much of this time because of his poor health and to be much discouraged about the future. His mother said that he was unable to remember anything from one day to the next.

A boy of 16, employed without a permit as laborer for a construction company, fell off a loading device and fractured his hip, suffering 40 per cent loss of the use of his leg at the hip joint. Compensation amounted to $3,039.57 payable by the insurance company and $6,079.14 payable by the employer, a total of $9,118.71. The employer was not able to pay the entire penalty at one time, and it was agreed to permit him to make payments over a period of time.

Stepping on or striking against objects.

Injuries from stepping on or striking against various objects occurred to 62 minors, 3 of whom were girls. Twenty-three boys, or nearly two-fifths of the total, a relatively large proportion, were employed in prohibited occupations. Fifteen of these were minors under 17 employed in bowling alleys, 3 were working in or about quarries, 2 in the outside erection or repair of telephone wires, 1 on a threshing crew, 1 in road construction work, and 1 in lumbering and logging.

None of the injuries sustained were very serious. In only one case did the injury result in permanent disability, that of a boy of 15 employed without a permit in a woodenware factory who struck his hand against a machine, having part of one finger amputated and another finger lacerated by the knives of the machine. Among the temporarily disabled were 2 who were incapacitated for 13 weeks and 1 who was incapacitated for 22 weeks, but a relatively large proportion as compared with the entire group of illegally employed minors were disabled for less than 4 weeks. The average amount of compensation paid to the minors included in this group of injuries was the lowest of all—$23.38 in primary compensation, as compared with $136.08 in all cases of injuries to illegally employed minors—and only 3 received total compensation amounting to as much as $300. One of these was the boy mentioned above, who was permanently disabled, total compensation amounting to $351.12. One other was

a pin boy of 16, illegally employed in a bowling alley, whose knee was injured when struck by a pin, and the other was doing general work in the lumbering industry when he was struck by a tree.

Falling objects.

Falling objects—the collapse of piles or chutes, objects falling from conveyors, machines, and workbenches, buildings in course of construction, cave-ins, falling trees, etc.—caused the injuries of 33 boys. Seven of these were employed in prohibited occupations; 4 were employed in or about quarries, 1 in a mine, 1 in the outside erection or repair of telephone wires, and 1 as a rewinderman in a paper mill, an occupation not specifically prohibited but apparently regarded as prohibited under the general clause prohibiting minors under 18 from working at employment dangerous to life and limb.

Fatalities resulted from two of the accidents in this group, and permanent disability of a serious nature from four. The average primary compensation, therefore, was relatively high—$341.72 as compared with $136.08 for all the injured minors. In 10 cases total compensation of $500 or more was payable; in 7, $1,000 or more; in 5, $3,000 or more; and in 2, between $5,000 and $10,000.

The circumstances of the two fatal injuries were as follows:

A boy of 16 employed by a sewer-construction company was killed by a cave-in. He had no permit, having, according to the employer, stated that he was 18 when he applied for work. The commission held that the boy was employed illegally. The employer appealed the case, and it was finally carried to the State supreme court, which sustained the commission's contention that a permit was required. Compensation payable in this case amounted to $1,400 payable by the insurance company and $1,400 payable by the employer, a total of $2,800. (This case is discussed on p. 63.)

A boy of 16, employed without a permit as sawyer by a lumber company, was killed when a tree limb fell on him, crushing his head. Compensation in this case was fixed at $1,000 to be paid by the insurance company and $2,000 by the employer. (See footnote 85, p. 108.) The case was appealed to the circuit court having jurisdiction by the employer on the ground that no compensation could be awarded to the boy's parents, as they had permitted him to work without a permit when they knew his age. The court held, however, that the parents had made no representations as to the boy's age, that the employer had not been influenced by the silence of the parents, and that the evidence did not establish a charge of fraud on the part of the parents which would relieve the employer from the payment of compensation.

The cases in which serious permanent disabilities resulted were as follows:

A boy of 16, who had stated he was 17 when applying for employment cutting out roads, was hit by a falling tree the day after he began work. His leg was broken above the ankle and he was wholly incapacitated for 26 weeks and partially for 9 additional weeks and suffered some permanent disability. He was awarded $558.82 payable by the insurance company and $1,117.64 payable by the employer (see footnote 85, p. 108), a total of $1,676.46.

Another 16-year-old boy, a laborer in a cemetery, had his leg broken when a stone slab fell on it. He had no permit, having represented himself as 19 when he was employed, 9 days before the accident. He was wholly incapacitated for 42 weeks and suffered 10 per cent loss of use of his foot at the ankle. The compensation awarded was $825.13 to be paid by the insurance company and $1,650.26 to be paid by the employer (see footnote 85, p. 108), a total of $2,475.39.

Another boy of 16, employed without a permit as sawyer in a logging camp of a lumber company, had his foot crushed by a tree. Part of the foot had to be amputated, and the boy was disabled totally for 19 weeks and partially

for 14 additional weeks. Compensation of $2,714.10 was awarded, payable by the insurance company and by the employer,[16] a total of $5,428.20.

A boy of 17, illegally employed as a miner, was struck by a fall of ore from the side wall while cleaning up ore in a drift preparatory to putting in lumber for a chute. He suffered a compound fracture of the leg, and his left arm was broken, lacerated, and contused. He was totally disabled for 69 weeks and sustained a permanent partial disability equal to a 48 per cent loss of use of his arm at the elbow and a 15 per cent loss of use of his leg at the hip. The commission awarded treble compensation. The employer instituted court proceedings for a review of the commission's findings on the ground that the boy had represented his age as over 18. After the institution of court proceedings, the supreme court held in another case that misrepresentation of age did not relieve an employer of liability for extra compensation. The employer and the boy's guardian agreed that the case should be settled by the payment by the employer of $5,500 in addition to the compensation previously paid of $672.25. The commission approved this settlement, and the court proceedings were dismissed.

Electricity, explosions, and hot and corrosive substances.

Thirty-one injuries, twenty-four to boys and seven to girls, resulted from electricity, explosions, and hot and corrosive substances. Hot or molten metal caused about one-third of these accidents; and open flames or fire, hot water and steam or other hot liquid, and hot fat or grease account for most of the rest. Two were due to electric currents. Five of the boys and three of the girls were in illegal occupations. Of the boys 1 was employed in the outside erection or repair of electric wires (prohibited under 18 by law), 1 in work in or about docks (prohibited under 18 by law), 1 on a job cylinder or drill press (prohibited under 16 by law), 1 in employment dangerous to life or limb (prohibited under 16 by law), and 1 in road construction (prohibited under 17 by ruling). Of the girls 2 worked in hotels or restaurants (prohibited for girls under 17 by ruling), and 1 in packing matches (prohibited under 18 by law).

Burns and scalds occurred in 29 of the 31 accidents. One accident resulted in a fatality but none in permanent disability. The average amount of primary compensation payable was relatively low ($64.52) and in only one case—exclusive of the fatal injury—did compensation amount to more than $300. This case was that of a boy of 16 employed without a permit in an iron foundry, whose foot was severely burned by hot metal; compensation amounted to $224.46 payable by the insurance company and $448.92 payable by the employer. The boy who was killed, a 17-year-old youth, was employed as electrician's helper by a large manufacturing concern. He was electrocuted while working on the outside erection or repair of electric wires, prohibited for minors under 18. The compensation payable to his parents was fixed at $1,200 from the insurance company and $2,400 from the employer, a total of $3,600.

Infections.

Infections were responsible for disabilities to 7 boys, all of them resulting in less than 4 weeks' temporary disability, the total compensation in no case exceeding $120. None of the boys in this group was employed in a prohibited occupation. The nature and cause of these injuries were as follows:

Acute dermatitis from acid on cans (boy of 16 employed in cannery).
Oil pimples on lower arms from getting oil on arms while stacking stampings (boy of 16 employed in machinery shop).

[16] This accident occurred after June 25, 1925, when double compensation was payable for violation of the permit law.

"Poison eczema on arms" from dust (boy of 16 employed unloading cement by construction company).

Face and hands infected by poison oak or ivy (boy of 15 and boy of 16 employed in field surveying by a consulting engineer). "Infection covering whole body" caused by cement (boy of 15 employed as laborer handling cement by road-construction company).

Hands poisoned from paint stain (boy of 16 employed in furniture factory dipping table legs in stain).

Dragging and skidding.

Six boys employed in the logging industry were injured by skidding or dragging logs. All were employed without permits but none in a prohibited occupation, as all were 16, and work in lumbering and logging operations is prohibited only for boys under that age. Fractures occurred in 5 cases, a sprain in 1 case. Temporary disability of from 3 weeks to 25 weeks resulted in these cases. Total compensation ranged from $134.40 to $689.40.

WISCONSIN LAWS AND RULINGS RELATING TO THE PAYMENT OF EXTRA COMPENSATION

[References are to Wisconsin statutes, 1929. No amendments to these provisions were passed in 1930 or 1931]

EXCERPTS FROM WORKMEN'S COMPENSATION ACT

Employee defined.

SECTION 102.07. The term "employee" as used in sections 102.01 to 102.35 [the workmen's compensation act], inclusive, shall be construed to mean:

(4) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, all helpers and assistants of employees, whether paid by the employers or employee, if employed with the knowledge, actual or constructive, of the employer, and also including minors (who shall have the same power of contracting as adult employees) but not including farm laborers, domestic servants, and any person whose employment is not in the course of a trade, business, profession, or occupation of his employer, unless such employer has elected to include such farm laborers, domestic servants, or other employees under coverage of the act.

Increased compensation for minors illegally employed.

SECTION 102.09. (7) When the injury is sustained by a minor illegally employed, compensation and death benefits, as provided in sections 102.03 to 102.35, shall be as follows:

(a) Double the amount otherwise recoverable, if the injured employee is a minor of permit age, and at the time of the accident is employed, required, suffered, or permitted to work without a written permit issued pursuant to section 103.05, except as provided in paragraph (b).

(b) Treble the amount otherwise recoverable, if the injured employee is a minor of permit age and at the time of the accident is employed, required, suffered, or permitted to work without a permit in any place of employment or at any employment in or for which the industrial commission acting under authority of section 103.05, has adopted a written resolution providing that permits shall not be issued.

(c) Treble the amount otherwise recoverable, if the injured employee is a minor of permit age, or over, and at the time of the accident is employed, required, suffered, or permitted to work at prohibited employment.

(d) Treble the amount otherwise recoverable, if the injured employee is a minor under permit age and illegally employed.

(e) A permit unlawfully issued by an officer specified in section 103.05, or unlawfully altered after issuance, without fraud on the part of the employer, shall be deemed a permit within the provisions of this subsection.

(f) If the amount recoverable under the above paragraphs of this subsection for temporary disability shall be less than the actual loss of wage sustained by the minor employee, then liability shall exist for such loss of wage.

(8) In case of liability for the increased compensation or increased death benefits provided for by subdivision (h) of subsection (5) of this section, or included in subsection (7) of this section, the liability of the employer shall be primary and the liability of the insurance carrier shall be secondary. In case proceedings are had before the commission for the recovery of such increased compensation or increased death benefits the commission shall set forth in its award the amount and order of liability as herein provided. Execution shall not be issued against the insurance carrier to satisfy any judgment covering such increased compensation or increased death benefits until execution has first been issued against the employer and has been returned [un]satisfied as to any part thereof. Any provision in any insurance policy undertaking to guarantee primary liability or to avoid secondary liability for such increased compensation or increased death benefits shall be void.

EXCERPTS FROM CHILD LABOR LAW[1]

Definitions.

SECTION 103.05. 1. The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 103.05 to 103.15, inclusive, shall be construed as defined in section 101.01 of the statutes.

General provisions.

2. (a) No employer shall employ or permit any minor or any female to work in any place of employment or at any employment dangerous or prejudicial to life, health, safety, or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety, or welfare of other employees or frequenters.

(b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction, and authority to investigate, determine and fix reasonable classifications of employments and places of employment, minors and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety, or welfare of such minor or female, and to carry out the purposes of sections 103.05 to 103.15, inclusive, of the statutes.

(c) The investigations, classifications, and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate, or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 101.01 to 101.28, inclusive, of the statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 101.01 to 101.28, inclusive, of the statutes.

3. Until such time as the industrial commission shall investigate, determine, and fix the classifications provided for in paragraph (b) of subsection 2 of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of minors or females under the ages specified:

Schedule of prohibited employments.[2]

[Schedule of employments or places of employment dangerous or prejudicial to the life, health, safety, or welfare of minors, or children under the ages specified, or to frequenters, or to females.]

(*a*) *Minors under 21 years of age.*—In cities of the first, second, and third class, before 6 o'clock in the morning and after 8 o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission, or delivery of messages or goods.

(*b*) *Minors under 18 years of age.*—(1) Blast furnaces; in or about.

(2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.

(3) Docks; in or about.

(4) Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, an abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured [but apprentices indentured under section 106.01 of the statutes may, under supervision, grind their own tools on emery wheels if all general orders of the industrial commission relating to such work are observed].[3]

(5) Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires.

(6) Elevators; in the running or management of any elevators, lifts or hoisting machines [but apprentices indentured under section 106.01 of the statutes may use hand hoists or pneumatic hoists in bringing material from machinery at which they are employed as a part of their training under the terms of their indenture].[3]

---

[1] Dates when rulings were made are indicated in parentheses. No changes have been made in these provisions of the child labor law since 1925. The footnotes are from the pamphlet, Child Labor Law 1931, published by the Industrial Commission of Wisconsin.

[2] A labor permit does not authorize the employment of the minor at the prohibited work. It is unlawful to employ minors or to permit them to work in prohibited employment under any and all circumstances.

[3] The exceptions in items (4) and (6) relating to indentured apprentices are general orders of the industrial commission which became effective Sept. 27, 1920. It should be noted that these exceptions apply only to indentured apprentices and only while doing work necessary to their training. Apprentices, also, may grind their own tools on emery wheels only if they are guarded and if the apprentices have been furnished goggles.

(7) Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded, or stored.
(8) Matches; in dipping, dyeing, or packing.
(9) Mine or quarry; in or about.
(10) Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.
(11) Railroads, street railways, and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.
(12) Wharves; in or about.
(13) Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.
(c) *Children under 16 years of age.*—(1) Bakeries; dough brakes or cracker machinery of any description.
(2) Belts; adjusting belts (in motion); sewing belts (in any capacity).
(3) Boilers; operating any steam boiler or steam-generating apparatus.
(4) Bowling alleys; as pin boys.[4]
(5) Building trades; on scaffolding, or on a ladder, or in heavy work.
(6) Burnishing machines in any tannery or leather manufacturing.
(7) Corrugating rolls in roofing or washboard factories.
(8) Dusts; occupations causing dust in injurious quantities.
(9) Emery or polishing wheel for polishing metal.
(10) Immoral purposes; manufacture of goods for.
(11) Iron and steel, wire or iron straightening machinery, punchers or shears.
(12) Laundry machinery.
(13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous or malt liquors are made, bottled, sold, or given away.
(14) Machinery; oiling or assisting in oiling, wiping, or cleaning any machinery in motion.
Operating or assisting in operating or taking material from any circular or bandsaw, or any crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.
(15) Paints and poisons; manufacture of paints, colors, or white lead; manufacture of any composition in which dangerous or poisonous acids are used; manufacture or preparation of compositions of dangerous or poisonous dyes; manufacture or preparation of compositions with dangerous or poisonous gases; manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.
(16) Presses; cylinder or job, boring or drill.
(17) Rubber; washing, grinding, or mixing mill or calender rolls in rubber manufacturing.
(18) Stamping machines; in sheet-metal and tinware manufacturing; in washer and nut factory; in lace-paper and leather manufacturing.
(19) Theater or concert hall.
(20) Tobacco; in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared.
(21) Woodworking; wood shaper, wood jointer, planer, sandpaper, wood-polishing, or wood-turning machine.
(22) Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair, or any upholstering material.
(23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.[5]

---

[4] No permits are granted for the employment of any minors under 17 in bowling alleys and in places where liquors are made, sold, or served.
[5] Item (23) in the list of employments prohibited to children under 16 (the so-called blanket provision) recognizes the fact that there are hazardous employments not specifically named in the first 22 items in the list at which it is unlawful to employ or permit a child under 16 to work, and places upon the employer the responsibility of seeing to it that no child under 16 is employed or permitted to work at the hazardous employment even though the particular employment in question is not named in the list. Reiten *v.* Stearns Lumber Co. (166 Wis. 605); Pinoza *v.* Northern Chair Co. (152 Wis. 473). A labor permit does not authorize the employment of a child under 16 in any hazardous employment, although this employment is not specifically mentioned in the preceding 22 items.

(*d*) *Females.*—(1) Any female under 17 years of age in any capacity where such employment compels her to remain standing constantly. (2) Any female in or about any mine or quarry. (3) No female under the age of 21 years shall be employed as a bell hop in any hotel.

Permits.

Children between 14 and 17 years of age.[6]—4. (a) No child between the ages of 14 and 17 years unless indentured as an apprentice, as provided in section 106.01 of the statutes, shall be employed, or permitted to work at any time in any factory, workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone, or public messenger service, or the delivery of any merchandise, or at any gainful occupation, or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the industrial commission where such child resides, or from some other person designated by the industrial commission,[7] a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing that such times shall not conflict with those designated in subsection 8 of this section.

Employment between 12 and 14 years of age.[8]—(b) No child under the age of 14 years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation[9] of the public or equivalent school in the town, village, or city where any child between the ages of 12 and 14 years resides, it may be employed in any store [not in any drug store nor in the delivery of merchandise], office [not a factory or printing office], mercantile establishment, warehouse [not a factory or tobacco warehouse], telegraph, telephone, or public messenger service, in the town, village, or city where it resides and not elsewhere; provided that it shall have first obtained a permit in the same manner and under the same conditions as prescribed in paragraph (a) of subsection 4 of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under 14 years of age in the delivery of merchandise.

Exemption.—4a. Except for employment in domestic service as provided in subsection 4 of this section, which employment involves the attendance of the

---

[6] For provisions relative to employment of children between 12 and 14, see par. (b) of this subsection. The employer must have on file the labor permit here required before he permits the child to do any work. The permit must be kept on file by the employer during the entire employment of the child. The permit must specifically authorize the employer for whom the child is working, to employ the child. A permit authorizing some other employer to employ the child is not sufficient. The employer is charged with the duty of ascertaining, at his peril, the age of a minor whom he employs and of employing persons of lawful age only. Misrepresentation by the minor or his parent regarding the age of the minor, is no defense for the employer. Peter Stetz *v.* F. Mayer Boot & Shoe Co. (163 Wis., 151). Arthur Gaudette *v.* Faust Lumber Co. (179 N. W. 576). Before employing any minor who claims to be over 17, the employer should require the minor to file with him a documentary proof of his age, such as a certified copy of the birth or baptismal record. The employer should make sure that the record presented is the record of the applicant, and that it has been issued by proper authority and that it has not been changed or tampered with. If the employer allows himself to be deceived or misled in any way regarding the age of the minor he employs, with the result that he violates the law, the employer is not protected. Subsection 6a of this section (p. 138) provides a method of determining by court procedure the age of any applicant for employment who claims to be more than 17 years of age and that he or she is unable to furnish any documentary proof of the date of birth.

[7] The industrial commission has designated persons to act as permit officers in the various parts of the State. There are one or more such permit officers in every county. The name of the permit officer for any community can usually be obtained from the school superintendent or principal, and can always be secured by writing to the industrial commission, Madison. These permit officers are without compensation. The industrial commission has no appropriation to pay for their services. The attorney general also has held that the statutes of Wisconsin prohibit any charge to the child or to the employer for issuing permits. (Opinions of Attorney General.)

[8] It is unlawful to employ children under 12 years of age at any time. A child between 12 and 14 may be employed during the vacations of school provided the employer has on file a labor permit authorizing such employment and also provided the employment is limited to the places named in this paragraph, namely, any store, office, mercantile establishment, warehouse, telegraph, telephone, or public messenger service.

[9] The word "vacation" in this law has its usual meaning, as referring to summer and holiday vacation, and does not include time before and after school and Saturdays during school terms. No labor permit can be issued to a child under 14 years of age to work during the school term.

child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer, provided that such employment shall not be in connection with nor form a part of the business, trade, profession or occupation of the employer, and provided further that such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between 14 and 17 years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular, and full-time attendance as provided by law at any public, private, or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.[10]

Requirements for labor permits.

5. The permit provided for in subsection 4 of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date, and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records, and papers have been duly examined, approved, and filed.

Proof of age.—(a) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

Educational attainments.—(b) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons a certificate of the clerk of the school board, showing that such child is more than 14 years of age, and stating also the date of the birth of such child, and the number of years such child has attended school. Such certificate shall contain the further statement that such child has passed successfully the eighth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least nine years. Attendance at kindergarten shall not be counted as a part of the nine years of school attendance. It shall be the duty of such superintendent, principal, or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

Statement of employment.—(c) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or some one duly authorized by him.

Duplicate permits.

6. (a) The permits provided for in subsection 4 of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

Revocation of permits.

(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare

[10] This subsection was enacted during the 1921 session of the legislature. Under this provision of the law, children from 12 to 17 years of age may be employed during school vacations, without labor permits, shoveling sidewalks, throwing in wood, carrying out ashes, and the like, in and about the home of the employer. It does not authorize the employment of such children without permits at any place other than the home of the employer at any time or under any circumstances. For example, if the child is allowed to carry out ashes at the home of the employer in the morning and is then employed to carry out ashes at his store or factory in the afternoon, the law is violated in the afternoon employment. In the words of the law, the employment of children under 17 without permits must be strictly limited to work usual to the home of the employer. Children between 14 and 17 years may be employed without permits outside of school hours during school terms at work indicated above, on condition that they are not guilty of truancy or deficiency in their studies. It is unlawful to employ children under 14 to do such work at any time during school terms.

of the child would be best served by the revocation of the permit, the said commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation. Upon receipt of such notice, the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

Refusal of permits.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection 4 of this section, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they are to be employed.[11] They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal.

Exemption of agricultural pursuits.

(d) Nothing contained in sections 103.05 to 103.15, inclusive, of the statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child, except as provided in section 103.055 of the statutes.

Court procedure to establish age.[12]

(6a) (a) In case any applicant for employment claims to be more than 17 years of age, and that he or she is unable to furnish documentary proof of his or her date of birth, the county court of the county wherein such applicant resides may, by judgment, establish the age and the date and place of birth of such person.

(b) Proceedings for such purpose shall be had only upon the verified petition of the applicant, setting forth his full name, his residence during the five years next preceding the filing of the petition, the date and the place of his birth, the full names of his parents and the residence of each, the period of time spent in school and the grade he or she has completed.

(c) A notice stating therein the general nature of the application and the time and place of the hearing, shall be published at least once in some newspaper published in the county, to be designated by the court, such publication to be made at least ten days prior to the date fixed for the hearing. Proof of publication shall be made by affidavit of the publisher.

(d) At the hearing of the petition, testimony shall be taken as to all matters contained therein and the same shall be preserved and filed in the proceeding. If it shall satisfactorily appear that the applicant is unable to establish his age by a birth certificate filed or recorded, as required by law, in the State or country of his birth, or by a verified baptismal certificate issued under the seal of the church in which the applicant was baptized, showing that the applicant was baptized at least five years prior to the filing of the petition, and the court shall be satisfied as to the age of the applicant and the date and place of his birth, it shall determine the same and make findings accordingly.

---

[11] In Milwaukee, where child-labor permits are issued directly by the industrial commission, children applying for regular permits must furnish a detailed statement, based upon a physical examination showing the condition of their health, signed by a physician of the city health department or any other competent physician of general practice. The commission does not issue any permit until it is satisfied that the child is physically fit for employment. Where the child has only slight defects, however—such as, for instance, bad teeth—a temporary permit is issued allowing the child to work and earn the money necessary to have these conditions corrected. When the time allowed has expired, the child is called in and another physical examination had and a regular permit is then issued only if the defects have been corrected. This device of temporary permits has proven an effective method for securing the correction of minor physical defects that often are of long standing, and which might prove serious if neglected.

Judges and other persons designated as permit deputies in smaller cities are urged to satisfy themselves that the child who applies for a permit is physically fit for the employment. To this end they may, in their discretion, require proof of physical fitness.

[12] This section is a new law enacted in 1921 (ch. 185). Its purpose is to make it possible for employers to protect themselves in the few cases in which minors who claim to be over 17 years of age can not furnish satisfactory documentary proofs of their ages. In such rare cases the age of the minor can be established through proceedings in court, as here outlined. The findings of the court are conclusive. Usually minors who claim to be over permit age can present documentary proof, and should not be employed without being required to do so. Where all documentary proof is lacking, the employer should insist that the minor establish his age through court procedure.

(e) A certified copy of such findings shall be conclusive evidence of the age of the applicant in any proceedings under any of the labor laws and workmen's compensation laws of this State, as to any act or thing occurring subsequent to the date of the judgment.

Certificates of age.

(6b) The industrial commission shall have the power to issue certificates of age of minors under such rules and regulations as it deems necessary. The industrial commission shall also have the power to designate persons to issue such certificates of age. Such a certificate as issued shall be conclusive evidence of the age of the minor to whom it was issued, in any proceeding under any of the labor laws and workmen's compensation act of this State, as to any act or thing occurring subsequent to the date such certificate was issued.

(6c) Any person who knowingly offers or assists in offering false evidence of age for the purpose of obtaining an age certificate or who alters, forges, fraudulently obtains, uses, or refuses to surrender upon demand of the industrial commission a certificate of age shall be guilty of a misdemeanor and upon conviction shall be fined not more than $100 or imprisoned not to exceed three months.

(6d) The industrial commission shall have the power and authority to fix and collect a fee not exceeding 25 cents for the issuance of each certificate of age under the provisions of this section.

Duties of employer of minors.

(7) Every employer employing or permitting a minor to work as provided in this section shall:

Filing of permit in place of employment.

(a) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

Posting of list of children employed.

(b) Post in a conspicuous place in each of the several departments in or for which minors under 16 years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages, and hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

Return of permit.

(c) Upon the termination of employment of any minor, return within 24 hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph, shall be liable in action to such minor for $2 for each day during which such failure continues.

Permits for public exhibition.[13]

SECTION 103.12. 1. No child under 16 years of age shall be employed, or permitted to sing, play, or perform in any circus, theatrical, or musical exhibition, concert, or festival, or in any public place, unless there is first obtained from the industrial commission, county judge, municipal judge, or the judge of a juvenile court where the child resides, if such child is a resident of this State, and from a county judge, municipal judge, or judge of a juvenile court of this State if such child is not a resident of this State, a written permit authorizing the appearance of such child at such places, at such times as the said industrial commission, county judge, municipal judge, or judge of a juvenile court may fix: *Provided*, That it appears to the satisfaction of such industrial commission, county judge, municipal judge, or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare, or opportunities for education equivalent to those of the common schools: *Provided also*, That a child under 14 years of age shall

[13] In Milwaukee all theatrical permits are issued by the judge of the juvenile court.

be accompanied by a parent or guardian, approved by the said industrial commission, county judge, municipal judge, or judge of a juvenile court.

Home-talent exhibitions.

2. The provisions of this section shall not prevent the education of children in music nor their employment as musicians or participants in a church, chapel, or school exhibition, nor in any home-talent exhibition given by the people of the local community, nor shall permits of any kind be required for such activities.

Industrialized agriculture.

SECTION 103.055. It shall be the duty of the industrial commission and it shall have power, jurisdiction, and authority to investigate, determine, and fix, by general or special orders, reasonable regulations relative to the employment of children under 16 years of age in cherry orchards, market gardening, gardening conducted or controlled by canning companies, and the culture of sugar beets and cranberries, for the purpose of protecting the life, health, safety, and welfare of such children. Such investigations and orders and any action, proceeding or suit to set aside, vacate, or amend any such order of said commission or enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 101.01 to 101.28, which are hereby made a part hereof so far as not inconsistent with the provisions of this section, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28.

Inspection.

SECTION 103.13. (1) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 103.05 to 103.13, inclusive, of the statutes.

(2) Any person, being the owner or lessee of any opera house, theater, or moving-picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of sections 103.05 to 103.13, inclusive, of the statutes, on the premises of such opera house or similar place of any name.

(3) The failure of any employer to produce for inspection to the industrial commission, or truant officers, the permit provided for in subsection 4 of section 103.05 shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop, or other place of employment, shall be prima facie evidence of the employment of such minor. The presence of any child under 16 years of age in any factory, workshop, or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection 7 of section 103.05, shall be prima facie evidence of the unlawful employment of such child.

Penalties for violations.[14]

SECTION 103.15. (a) Any employer who shall employ, or permit any minor or any female to work in any employment in violation of any of the provisions of sections 103.05 to 103.15, inclusive, of the statutes or of any order of the industrial commission issued under the provisions of said sections, or shall hinder or delay the industrial commission or truant officers in the performance of their duties, or refuse to admit or lock out any such officer from any place required to be inspected under the provisions of sections 103.05 to 103.15, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $10 nor more than $100 for each offense, or imprisoned in the county jail not longer than 30 days. Every day during which such violation continues shall constitute a separate and distinct offense.

(b) The penalties specified in paragraph (a) of this section may be recovered by the State against any employer in an action for debt brought before any court of competent jurisdiction.

---

[14] Violation of the child labor law is a misdemeanor—a criminal offense—punishable by fine or imprisonment. At the option of the State, the money penalties may be recovered in a civil action. For example, if a child is employed in violation of the law for 10 days, the State may sue the employer for $1,000 in penalties—$100 for each day that the violation continued. If more than one child is involved, the amount may be increased in proportion to the number of children.

Parents' liability.

(c) Any parent or guardian who suffers or permits a child to be employed or to work in violation of any of the provisions of sections 103.05 to 103.15, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than 30 days.

Proof of age in court.

(2) Whenever in any proceeding in any court under any of the provisions of sections 103.05 to 103.15, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, there is any doubt as to the age of the child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed with the court. In case such certificate can not be secured, upon proof of such fact the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

RULINGS OF INDUSTRIAL COMMISSION

In addition to the restrictions placed by statute upon the issuance of labor permits, the following restrictions are made by resolution of the industrial commission: Labor permits may not be issued in the following cases:

I. All minors under 17 years of age to work in:
1. Bowling alleys—Mar. 11, 1918.
2. Pool rooms—Mar. 11, 1918.
3. Billiard halls—Mar. 11, 1918.
4. Dance halls—Aug. 25, 1922.
5. Dance pavilions—Aug. 25, 1922.
6. Street carnivals or other traveling shows—Aug. 25, 1922.
7. Any place of employment where an active strike or lockout of the employees is in progress—Aug. 11, 1919.
8. Street messenger service for employers operating outside the provisions of the compensation act—June 11, 1921.
9. Road construction—May 16, 1922.
10. Threshing crews—July 12, 1923.
11. Work given out by factories to be done in homes—Aug. 31, 1920.
12. Mixed camps; i. e., camps where males and females are accommodated in the same camp, whether as employees or as guests. (Regulation made after date of study.)
13. On the Great Lakes. (Regulation made after date of study.)
14. Any occupation in or about any woodsawing rig or portable sawmill. (Regulation made after date of study.)

II. Girls under 17 years of age to work in:
1. Any hotel—Mar. 11, 1918.
2. Any restaurant, Mar. 11, 1918.
3. Any club house—1920.
4. Any boarding or rooming house including boarding and rooming houses conducted by industrial plants for their own employees—Mar. 11, 1918, as amended June 29, 1920, and Oct. 19, 1920.

III. All minors under 16 years of age to work in:
1. Any drug store which has a Government license to fill physician's prescriptions for strong, spirituous, or malt liquors—Mar. 11, 1918.
2. Any fair held by any organized agricultural society, association or board.
3. On inland waters of the State. (Regulation made after date of study.)

IV. Boys under 16 years of age to work in:
1. Hotels (permits may not be issued to girls under 17 to work in hotels, see No. II, 1)—Mar. 11, 1918.
2. Lumbering and logging operations (permits may not be issued to girls under 17 to work in lumber camps, see No. II, 4)—Mar. 3, 1919.

V. All minors under 14 years of age to work in:
1. Any drug store—Mar. 11, 1918.

INDIANA

INTRODUCTION

This study of the Indiana workmen's compensation law and the illegally employed minor was made to ascertain what attempts, if any, minors injured while illegally employed have made to obtain redress through the courts in a State in which they are not included under the provisions of the workmen's compensation act, what their success has been in these attempts, and what has happened in the cases of those who failed to seek court aid. Another objective in the study was to obtain information regarding the nature and causes of the injuries incurred by this group of minors and the industrial, economic, and social consequences of these injuries. In addition to the fact that Indiana excludes minors illegally employed from the workmen's compensation law this State was chosen for study because the records and the office procedure used in following up reports of accidents to minors made it possible to segregate the cases of those injured in illegal employment over a number of years. Furthermore, for part of the period covered by the study illegally employed minors were included under the workmen's compensation act, and, in certain cases, were eligible for double compensation. A study in Indiana, therefore, offered the possibility of comparing the results of these two methods of compensating such minors.

Analysis was made of the records of the Industrial Board of Indiana, which administers the workmen's compensation act, covering a period of four and one-half years. These records include all cases of accidents to minors regarded as illegally employed by the bureau of women and children of the Industrial Board of Indiana which were reported between October 1, 1924 (records of accidents prior to this date had been destroyed)[1] and March 31, 1929, the date on which the copying of the records began. The names and ages of minors injured while illegally employed and the type of legal provision violated were obtained from the records of the bureau of women and children to which all injuries reported are referred for examination and by which those reported as occurring to minors under 20 and to persons of unspecified age are investigated as to accuracy of age reported. (See p. 146.) Other information relative to each case was then obtained from the compensation department of the board where the original and supplemental reports relating to injuries, compensation agreements, receipts, and general correspondence relating to all industrial accidents are filed (see p. 146). As many of the records were not complete, information on one or another item was lacking for a considerable proportion of the minors included in the study.

[1] The board is permitted in its discretion to destroy "all papers which have been on file for more than 2 years, when there is no claim for compensation pending, or, when compensation has been awarded * * *, and more than 1 year has elapsed since the termination of the compensation period * * *." Laws of 1919, ch. 57. The same provision is found in the 1929 act (ch. 172, sec. 56).

The study also included interviews with 113 of the 822 injured minors found to have been illegally employed, or with their parents in a few cases in which the minors had died or could not be located. This 113 included all (so far as they could be located) whose accidents were known or believed to have been fatal or serious enough to cause permanent disability or temporary disability of at least 28 days. Visits were made not only to those who were known definitely from the records of the industrial board to have received serious injuries but to all whose injuries, as reported by employers, appeared to be serious, even though the extent and duration of disability was not specified in the records. A few (20) who were disabled for a shorter period were also visited in order to learn if the treatment they had received differed from that received by the more seriously injured.[2]

The reported court decisions relating to the status of minors illegally employed under the compensation act were also studied, and records of cases pending in, or finally disposed of by, the lower courts were read in the few instances in which information was obtained as to such cases in the course of the study.

THE INDIANA WORKMEN'S COMPENSATION LAW AND THE INJURED MINOR

The first workmen's compensation act of Indiana was enacted in 1915.[3] In its original form it provided for weekly compensation equal to 55 per cent of the average weekly wage of the injured workman, payable for the period of disability but not to exceed 500 weeks (exclusive of a 14-day waiting period) in the case of temporary total disability, and payable for a specified number of weeks depending upon the degree of impairment in the case of permanent injuries. The minimum weekly wage upon which compensation was to be computed was $10 and the maximum $24. The total compensation payable was limited to $5,000. Although no limitation was placed on the maximum cost of medical aid expended, it was required to be furnished only for a period of 30 days. Minors illegally employed, though not specifically excluded from the application of the act, were barred by judicial interpretation.[4] In 1919, the waiting period was reduced to 7 days, and medical aid was required to be furnished for an additional period of 30 days in special cases in the discretion of the industrial board.[5] In this same year the act was specifically limited in its application to minors lawfully in the service of another, thus by implication excluding minors illegally employed.[6]

---

[2] Twenty-seven minors, apparently illegally employed, who were injured when illegally employed minors were not covered by the workmen's compensation act for whom (for some reason not revealed in the records) agreements for compensation had been approved by the board were not interviewed, as by the adoption of this procedure they had been dealt with as though they had been legally employed.

[3] Ind., Laws of 1915, ch. 106.

[4] New Albany Box & Basket Co. *v.* Davidson, 125 N. E. 904 (1920); Mid-West Box Co. *v.* Hazzard, 146 N. E. 420 (1925).

[5] Ind., Laws of 1919, ch. 57.

[6] Ind., Laws of 1919, ch. 57. For cases arising under the 1919 amendment holding illegally employed minors excluded, see In re Stoner, 128 N. E. 938 (1920); Indiana Manufacturers' Reciprocal Association et al. *v.* Dolby, 133 N. E. 171 (1921); In re Morton, 137 N. E. 62 (1922); Driscoll *v.* Weidely Motors Co. 133 N. E. 12 (1921); Raggi *v.* H. G. Christman Co., 151 N. E. 833 (1926).

In March, 1923, an amendment was passed which provided that all persons 14 years of age or over should be included in the jurisdiction of the act, whether legally employed or otherwise, and that double compensation should be paid in the case of all minors between the ages of 14 and 16 years whose employment was in any way illegal and in the case of those between the ages of 16 and 18 who were employed in prohibited occupations. The insurance company was made liable on its policy for half the compensation or death benefits; the other half was to be paid wholly by the employer.[7] The industrial board, under the provision of the act giving it authority on its own motion to "certify questions of law" to the appellate court for determination,[8] referred the question of the constitutionality of this amendment to the appellate court for the court's opinion, and in May, 1923, about three weeks after the amendment went into effect, the court advised the board that the amendment was unconstitutional, as the legislature had failed to set forth and publish all that portion of the act as amended by it as required by the State constitution.[9] Notwithstanding the fact that authority to decide the constitutionality of a statute is vested in the State supreme court and not in the appellate court,[10] administration of the amendment was suspended until December 1, 1924, at which time the board determined to enforce it, apparently on the ground that the opinion rendered by the appellate court was advisory only and therefore not binding. The amendment was enforced from that date until February 1, 1926, a period of 14 months, when the industrial board again discontinued its administration, this time apparently because the appellate court had reversed the board's action in granting compensation in a case involving an illegally employed minor,[11] citing as its authority the advisory opinion rendered in 1923. Thereafter it was not enforced, and in the spring of 1929 the act of which it was a part was repealed by the legislature and a new workmen's compensation act passed, which is in effect at the present time.[12] The provisions of the 1929 act are practically the same as those of the old act of 1915 as amended in 1919 except that an increase in the minimum weekly wage base from $10 to $16 and in the maximum from $24 to $30 made in 1927 was retained.[13]

The present law is compulsory as to the State and its political subdivisions and as to private employers engaged in mining and their employees. It is elective as to all other private employments

---

[7] Ind. Laws of 1923, ch. 76, effective April 30, 1923.

[8] Ind., Laws of 1915, ch. 106, sec. 61.

[9] In re Industrial Board, 139 N. E. 387 (May, 1923). Sec. 21, Art. 4, of the State constitution which was violated is as follows: "No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length."

[10] Ind., Burns' Ann. Stat., 1926, sec. 1356.

[11] Warren Beattie et al. *v.* Lester Dean Kimble, 150 N. E. 926 (Jan. 27, 1926). See also Aurora Brick Co. *v.* Baldry, 151 N. E. 923, decided in March, 1926, in which the court again reversed the board on authority of its advisory opinion and ordered the board to dismiss the case.

[12] Ind., Laws of 1929, ch. 172, effective May 21, 1929. After the repeal of the act containing the double-compensation provision, the appellate court, in October, 1929, in Evans et al *v.* Watt, 168 N. E. 38, instructed the industrial board to pass on a case involving the death of an illegally employed minor on the ground that the double-compensation amendment had never been declared unconstitutional by the State supreme court and the board therefore had to assume that it was constitutional. The court pointed out that neither the industrial board nor the appellate court had authority to determine the constitutionality of a statute, the industrial board being an administrative body and the appellate court's authority in this respect being limited to the giving of an advisory opinion, "when required so to do by a certified question from the industrial board."

[13] Ind., Laws of 1927, ch. 34.

except farm labor, domestic service, casual employment, and employment in railroad train service, the act applying in the absence of rejection by the employer or the employee. An employer who rejects the act is deprived of the usual common-law defenses if he is sued by an injured employee. Farm laborers, domestic servants, and casual employees may be brought under the act by the voluntary election of the employer. Settlement for compensable injuries is made through voluntary agreements between the injured workman and the employer or insurer, subject to the approval of the industrial board or, in case of dispute, by award of the industrial board, following a hearing given at the request of either party. An award made by the entire board is final as to questions of fact, but questions of law may be appealed to the appellate court. In fatal cases the employer is liable for burial expenses (not exceeding $100) and also for death benefits if the employee leaves dependents, total dependents being entitled to an amount equal to 55 per cent of the employee's average weekly wage for not exceeding 300 weeks and partial dependents to a proportionate amount. These benefits are subject to the same limitations on maximum total amount and maximum weekly payment as apply to compensation payments.

The act contains several provisions relating specifically to the minor employees subject to its jurisdiction. It is made to apply to minors lawfully employed in the absence of rejection of the act. Minors illegally employed have the same status that they had under the original law as amended in 1919; that is, they are excluded by implication from the benefits of the act. The law does not give a minor the legal capacity to bind himself absolutely by his own acts in all proceedings arising under the compensation law (as is done in some States) but expressly requires that the minor must in certain instances act through his guardian or parent. For example, notice to reject the act must be given by or to the minor's parent or guardian. The failure of a minor to make claim for compensation within two years after the injury, the time given in the act, does not bar his right to compensation provided he had no guardian, as no limitation of time provided in the act is operative in the case of a minor without a guardian. Compensation payments due a minor under 18 may be made directly to the minor provided the amount does not exceed $100 and the board does not order otherwise; but if the payment due exceeds this sum, the act requires payment to a trustee appointed by the circuit or superior court or to a duly qualified guardian, or to a parent upon order of the industrial board. In practice, when the employee is under 18, the board accepts the receipt of a parent, this being authorized on the form prescribed by the board. Payments due minors 18 or over may be made directly to such minors. If a minor sustains permanent injuries the board may at any time require that his unpaid compensation be commuted to a lump sum and may require the payment to be paid to a trustee appointed by the circuit or superior court to administer it for the benefit of the minor.

Although an injured minor who is found to be illegally employed is now denied the benefits provided by the Indiana workmen's compensation law, such a minor, provided he sues his employer, is given certain advantages under a section in the State child labor law. This section apparently intends to make certain in such a case the

employer's liability for damages for personal injuries occurring to a minor if he was employed contrary to the age, hour, and certificate requirements of the child labor law. The employer's common-law defenses are specifically denied to him, he not being permitted to avoid his liability for the minor's injuries "upon the ground that such a minor had assumed any risk of employment, or that the injury was due to the negligence of a fellow servant or to the contributory negligence of such a minor." It is further provided that proof of the fact of the minor's illegal employment and his injury therein shall be sufficient to establish the employer's liability. Under this provision, after proof is made of the minor's illegal employment and his injury therein, the suit would resolve itself into a determination of the amount of the minor's damage. A favorable judgment, therefore, would be practically assured. Collection of the judgment given would, of course, depend upon the employer's financial responsibility. The effectiveness of this provision is lessened, however, because few minors are aware of their legal rights and no agency advises an illegally employed minor excluded from the compensation law of his position under this section of the child labor law.

ADMINISTRATION OF THE INDIANA WORKMEN'S COMPENSATION LAW IN RELATION TO THE ILLEGALLY EMPLOYED MINOR

The compensation law is administered by a board of five members that also enforces the labor laws of the State, including those relating to minors.

Every employer in the State is required by law to report to the industrial board on prescribed forms all accidents to employees resulting in death or disability for more than one day,[14] and an employer subject to the act is also required to furnish the following additional reports in the case of compensable accidents:[15]

(1) Physician's report.
(2) Compensation agreement.
(3) Receipt for compensation paid.

The employer's report of the accident is in two parts—the initial report, which is required to be filed within one week after the accident, and the supplemental report, which is required upon the termination of the disability or, in any event, at the end of 60 days. The initial report, when properly filled in, contains information as to whether or not the proper permit was on file for minors for whom work permits are required by law.

As they are received by the industrial board all accident reports are numbered and indexed in the compensation department and are then referred to the bureau of women and children for investigation as to the age of the injured worker and for examination as to the legality of his employment. In Indiana to be lawfully employed all minors between the ages of 14 and 18 years must have an employment certificate or a minor's certificate of age on file with their employer during the period of their employment, and under a

[14] See In re Burk, 118 N. E. 540 (1918), in which the court said that the act requires accident reports to be filed by employers who are not operating under the act.

[15] To be compensable in Indiana, accidents must have resulted in death or in a disability of more than 7 days' duration and both employer and employee must have accepted the act.

specific provision of the child labor law, local issuing officers throughout the State must send to the industrial board duplicate copies of all such certificates issued. The latter are filed in the bureau of women and children, and daily, as the accident reports are received, all those in which the age of the injured is reported as under 20 years are checked to this certificate file and the age verified. If no certificate is found, a letter is written the issuing officer in the city in which the injured minor lives, and an attempt is made to verify his age through the records of the school census, which is taken annually throughout the State and covers all unmarried persons between 6 and 21 years of age. If the census records yield no information, no further effort is made to verify the age. Regardless of whether or not a certificate is found or the age is verified, however, if in the case of minors reported or found to be under 18 years of age the employer has failed to state whether or not he has a certificate for the injured employee on file or has indicated that he has not, a letter is written him calling his attention to the violation, explaining the provisions of the law, and ordering him to comply therewith and to notify the industrial board that he has done so. If the employer has a certificate and has merely failed to state the fact, this gives him the opportunity to produce it. If he has stated in reporting the accident that he has a certificate for the injured minor and no duplicate is found in the industrial board, he is requested by letter to forward the name of the issuing officer. Occasionally, as when a minor between the ages of 16 and 18 has moved from the locality in which a certificate of age was issued to him,[16] this information is forthcoming, but usually the employer admits himself in error as to the existence of a certificate or fails to reply to the request which is in itself considered sufficient evidence to discredit his original statement. If, as frequently happens, the age of the injured person is omitted from the accident report, a request is sent to the employer to furnish this information immediately so that if the injured person is a minor his age may be verified and the employment-certificate status determined in the regular manner.

The accident reports are further examined in the bureau of women and children for other violations of the law; that is, of those relating to prohibited occupations and illegal hours of work. No special inquiry such as is made to determine the age and certification status is made to discover such violations, however, and only if they are self-evident from the information on the accident report are they discovered.

When the examination of the accident report is completed, notes are attached to it calling attention to any possible illegality of employment. The reports are then returned to the compensation department where they are held until the agreement between the employee and employer or insurer as to compensation payable is received. Upon receipt of this agreement each case is reviewed by a member of the industrial board or his representative, and the terms of the agreement approved or disapproved in accordance with the provisions of the compensation act. If the agreement is dis-

[16] The duplicate copies of certificates sent to the industrial board are filed by county and town or city. Consequently unless the accident occurs in the city or town in which the certificate was issued the latter can not be located in the files until the place of issuance has been ascertained.

approved for any reason, including the fact that the minor's employment was illegal, the employer or insurer, whichever has signed the agreement, is notified of the action taken. No notice of the board's action in disapproving the agreement is given to the minor. Nor does the board advise him that even though the compensation act does not apply to him, the employer is liable to him for damages for his injuries and that the child labor law contains a provision placing him in a very favorable position if he sues his employer. (See p. 145.)

During the 14 months in which the board treated illegally employed minors as covered by the act, if disagreement arose as to the amount of compensation due, or if compensation was refused the injured minor, either party had the privilege of requesting a hearing before the industrial board. Hearings were usually held before a single member of the board, but in case of dissatisfaction a review by the full board could be requested. The same procedure for investigating cases involving minor employees was followed during this 14 months as is followed now that minors illegally employed are excluded from the jurisdiction of the act. (See p. 146.) The board approved and disapproved agreements in accordance with the provisions of the act as amended, but no further attempt was made to verify the age of the injured minor when the certificate and school-census records yielded no information, and no investigation was made to establish whether the minor was in a prohibited hazardous occupation. No system of follow-up was inaugurated to ascertain whether compensation had been paid or to insist upon payment, even if extra compensation was due. Supposedly, receipts for compensation signed by the injured minor and the employer were sent to the industrial board, but these frequently were never received, and so far as could be learned, no effort was made by the board to obtain them. Only if the employer protested the payment of the extra compensation to the board were any steps taken to inform the minor of his rights under the law. In such instances a letter was written notifying him of the stand taken by the employer, and instructing him as to his rights in the matter and as to how he should proceed to file application for a hearing if the employer continued in his refusal to pay. The industrial board had no power to take action in cases in which the employee had not requested a hearing and if the minor failed to respond to the letter no further action was taken toward urging him to proceed with his claim.

During this period also all reports required for minors injured while legally employed were required for those injured while illegally employed. But for the period of the study prior and subsequent to the inclusion of illegally employed minors under the act employers of such minors were required to file only reports of accidents, initial and supplemental. On examining the records, however, it was found that the compensation agreement was on file in more than two-fifths (42 per cent) of the cases included in the study, regardless of whether or not they were required, and the final receipt was on file in more than one-third (36 per cent). This is due to the fact that although the initial report was supposed to be filed within one week after the accident, to be followed, if the injury became compensable,

by the agreement, supplemental report, and receipts for compensation, in actual practice all reports were frequently received at the same time—upon the termination of the disability and before the industrial board had any knowledge of the accident or had been able to determine the illegality of the employment and could notify the employer that the case did not come under the compensation law. On the other hand, employers of illegally employed minors were sometimes lax in filing the supplementary report of the accident that was required in all instances and of all employers even those not subject to the act, presumably under the mistaken idea that as illegally employed minors were not subject to the law none but the initial accident report was necessary. These supplementary reports were found in consequence in only 5 per cent of the cases of illegally employed minors included in the study.

In determining cases of illegal employment and referring them to the board for their action in regard to compensation, the department of women and children adheres strictly to the provisions of the child labor law and the rulings of the board as to what constitutes illegal employment (see p. 155) and any minor whose employment violates these provisions in any way is held to be illegally employed. Only one exception is made—a vacation-employment certificate issued prior to the minor's sixteenth birthday is accepted in lieu of a certificate of age for a minor between 16 and 18 years of age, provided it is on file with the employer during the period of the minor's employment, and provided also a duplicate is on file in the industrial board. This exception is made because the purpose of the minor's certificate of age, which is merely to furnish evidence of age, can be realized equally well by the vacation certificate.

In this study of illegally employed minors such injured minors have been included as were held to be illegally employed by the department of women and children, regardless of the action taken by the industrial board, unless subsequent information, establishing the legality of their employment, was found in the records. The board does not apparently always accept the recommendations of the bureau of women and children as to the illegality of employment, and (as far as records show at least) has not always been consistent in classifying employment as legal or illegal. In many cases occurring in the period when illegally employed minors were not compensated under the compensation act the board took action and approved compensation agreements exactly as though the employment had been legal, in spite of the fact that the injured minor was employed in a prohibited occupation or without an employment certificate or that his employer had failed to have his certificate on file, each of which irregularities, in other instances, had been treated as violations of the law. Furthermore, in a number of cases occurring in the double-compensation period, in which minors between the ages of 16 and 18 employed in violation of the certificate requirements of the law were involved, agreements providing for double compensation were approved and some providing for single compensation disapproved although nothing was found in the records to indicate that the minors in question had been in prohibited occupations and it would seem, according to the provisions of the compensation law, that they were entitled only to single compensation. Likewise, in a few instances

during this same period, agreements providing for single compensation were approved in the cases of minors between 14 and 16 years of age illegally employed who were entitled for any violation to extra compensation for their injuries. It is possible that in all cases which seemed to be handled in a manner inconsistent with the usual policies of the department, additional information had been obtained by the board which changed the status of the injured minor; but, if such was the case, it was not shown by the records. It is possible also that some cases occurring just before the double-compensation provision of the law began to be administered did not reach the board until after that time, and similarly that some cases occurring during the double-compensation period did not come before the board until the administration had been suspended, in each of which cases the action of the board was not in fact inconsistent at the time it was taken.

THE INJURED MINORS

NUMBER, SEX, AGE, AND OCCUPATION

Number and sex of minors injured.

According to the records of the Industrial Board of Indiana, 822 illegally employed minors, 743 boys and 79 girls, had been injured at work in the State during the period of the study, of whom 148 had been injured in the 14 months during which the illegally employed were compensated under the provisions of the workmen's compensation act and 674 in the period during which they were excluded. This total is a minimum figure. More cases of illegal employment may have occurred than the records show, for, as has already been pointed out, violations of the provisions of the law relating to hours of labor were not discovered unless they were self-evident from the information on the accident report, and the indications are also that the brief reports as to the nature of the occupation and the manner in which the accident occurred sometimes failed to reveal the fact that the occupation was a prohibited one.

Table 20 shows the distribution by calendar year of the accidents reported as occurring to illegally employed minors during the period of the study. A decided increase in the number of accidents to illegally employed minors was reported in 1926 and 1927 over the number reported in 1925, the year that fell wholly within the 14 months that the double-compensation provision of the law was in operation (December 1, 1924, to February 1, 1926). Although the number decreased in 1928 as compared with 1926 and 1927, as compared with 1925 there was still a considerable increase. The decrease in 1928 as compared with that in 1926 and 1927 may have been due largely to industrial conditions, as the total number of accidents (to both adults and minors) reported in that year, as well as the number of accidents to illegally employed minors, decreased; but this was not true in 1925 as the total number of accidents reported in that year, in contrast to the number of accidents to the illegally employed, exceeded the number reported in any other year of the study.[17]

[17] Annual report of the Industrial Board of the State of Indiana for the fiscal year ending Sept. 30, 1925, p. 8; 1926, p. 7; 1927, p. 12; 1928, p. 7; and 1929, p. 6.

TABLE 20.—*Number of illegally employed boys and girls sustaining industrial injuries each year; Indiana, October 1, 1924–March 31, 1929*

Year	Minors sustaining industrial injuries					
	Total		Boys		Girls	
	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution
Total	822	100	743	100	79	100
1924	34	4	32	4	2	3
1925	128	16	117	16	11	14
1926	227	28	206	28	21	27
1927	234	28	214	29	20	25
1928	172	21	155	21	17	22
1929	27	3	19	3	8	10

In 1926, 1927, and 1928 reported accidents to illegally employed minors constituted 5, 6, and 5 per cent, respectively, of all accidents occurring in the State; in 1925 they composed only 3 per cent. As the records of the industrial board prior to October, 1924, were destroyed, the records of the industrial board do not show the proportion of illegally employed minors injured in each calendar year before 1925, by which to determine whether that year was marked by a decrease in the number of accidents to illegally employed minors in comparison with preceding as well as with subsequent years. Figures from the annual report of the industrial board, however, show that from October, 1923, to September, 1924, at least 291 illegally employed minors were injured at work, and figures for the remaining three months of 1924, which are available from the records, show that in those months the number of minors illegally employed was 34.[18] These constituted 5 per cent of all persons injured in these periods. Thus the indications are that for at least 15 months prior to 1925, as well as for the three years subsequent to that year, the number of injured minors illegally employed was relatively higher than in that year itself. As there are no other apparent causes to which this decrease in accidents in 1925 may be attributed, it seems reasonable to conclude that the double-compensation provision during the time it was administered, as was intended, did act as a deterrent to violations of the child labor law. Comparison of the accident reports during the period in which double compensation was payable with the periods in which no compenation was payable in the case of illegally employed minors leads to the same conclusions. During the 15 months prior to the period in which the double-compensation provision of the law was administered there was an average of 21⅔ accidents a month to minors illegally employed. During the 14 months that the double compensation act was in operation the average dropped to 10½ a month and for the 38 months subsequent to that period rose to 17 a month, although the total number of accidents decreased steadily during the entire time.

[18] Report of the Industrial Board of the State of Indiana for the year ending Sept. 30, 1924, p. 15.

Age.

Table 21 shows the ages of the injured minors included in the study. Of the 483 whose ages it was possible to verify (as many had never obtained work permits and school-census records did not supply the information in all cases, the ages of all could not be ascertained), 378 (78 per cent) had been reported by the employer as older than they actually were; 143 (38 per cent) of these were reported as 2 or more years older, and 21 (6 per cent) as at least 3 years older. Although 42 per cent had been represented at the time of the accident to be 18 years of age or older, only 1 had actually reached 18. Furthermore, although only 17 of the 483 were reported to be under 16 years of age, 39 were really below that age.

TABLE 21.—*Ages of illegally employed boys and girls sustaining industrial injuries, Indiana, October 1, 1924–March 31, 1929*

Age of minor	Minors sustaining industrial injuries				
	Total		Boys		Girls
	Number	Per cent distribution	Number	Per cent distribution	Number[1]
Total	822		743		79
Age verified	483	100	436	100	47
13 years	2	(2)	2	(2)	
14 years	6	1	6	1	
15 years	31	6	29	7	2
16 years	136	28	125	29	11
17 years and over	[3] 308	64	274	63	34
Age not verified	339		307		32

[1] Per cent distribution not shown because number of girls whose ages were verified was less than 50.
[2] Less than 1 per cent.
[3] Includes one 19-year-old boy.

The Industrial Board of Indiana publishes no figures showing the age distribution of all minors injured in industry with which to compare the age distribution of the minors injured while illegally employed, but figures in other States show that accidents to minors of 14 and 15 years of age are fewer than to those of 16 and 17 years of age.[a] This is due not only to the fact that more minors of the latter group are actually at work but also, in all probability, in part at least, to the fact that exposure to accident is greater in the latter group because of the removal at that age of safeguards provided by the child labor law. It would not be surprising if, in Indiana, the proportion of younger children was even smaller, as in this State they are not permitted to leave school for work at the age of 14 merely upon completion of the legal educational requirements and upon proof of physical fitness, as in many States, but only if there is economic necessity. Parents wishing the financial assistance of children between the ages of 14 and 16 must prove satisfactorily to the school authorities who issue the certificates that such a necessity exists.

[a] See Child Labor; report of the subcommittee on child labor [committee on vocational guidance and child labor], White House Conference on Child Health and Protection, p. 383. Century Co., New York, 1932.

INDUSTRY IN WHICH INJURED

The principal occupational groups in which the illegally employed minors were injured were manufacturing, trade, transportation, and personal and domestic service. (Table 22.) Ninety-six per cent of all the accidents to this group of young workers (exclusive of 31 minors for whom the industry in which they were employed was not known) occurred in these four occupational groups. Of these, manufacturing and trade showed the highest percentage of accidents among both boys and girls, being responsible for 83 per cent of the accidents to the former and for 86 per cent of those to the latter. Manufacturing alone was responsible for almost two-thirds (64 and 63 per cent) of the accidents in each group, a proportion slightly larger than in Wisconsin, where 59 per cent of the accidents to boys and 53 per cent of those to girls illegally employed occurred in this group. A larger percentage of the accidents to girls than to boys, 12 per cent as compared with 5 per cent, occurred in personal and domestic service, but more occurred to boys than to girls in transportation, only 1 girl but 55 (8 per cent) of the boys being injured in that industry. Among the manufacturing industries the metal and building trades were conspicuous as those in which accidents occurred most frequently to boys and the clothing and metal trades as those in which the largest number of accidents occurred to girls.

TABLE 22.—*Industry and occupation of all illegally employed boys and girls and of those interviewed sustaining industrial injuries; Indiana. Other 1, 1924–March 31, 1929*

Industry and occupation and sex	Minors sustaining industrial injuries	
	Total	Interviewed group
Boys	743	101
Industry and occupation reported	713	101
Agriculture	11	1
Extraction of minerals	12	5
Manufacturing and mechanical industries	453	51
Metal industries	119	16
Building trades	86	5
Food and kindred products	65	10
Lumber and allied products	63	6
Clay, glass, and stone	33	2
Printing and publishing	20	4
Paper and paper products	9	1
Electrical supplies	8	2
Textiles	6	1
Clothing	4	----
Other	34	4
Not reported	6	----
Transportation	55	10
Trade	139	26
Public service	7	1
Professional	1	----
Domestic and personal service	34	7
Other	1	----
Industry and occupation not reported	30	----

TABLE 22.—*Industry and occupation of all illegally employed boys and girls and of those interviewed sustaining industrial injuries, etc.*—Continued

Industry and occupation and sex	Minors sustaining industrial injuries	
	Total	Interviewed group
Girls	79	12
Industry and occupation reported	78	[1]12
Manufacturing and mechanical industries	49	7
Clothing	14	1
Metal industries	9	2
Food and kindred products	8	2
Lumber and allied products	6	2
Electrical supplies	3	--
Printing and publishing	3	--
Clay, glass, and stone industries	1	--
Paper and paper products	1	--
Textiles	1	--
Other	3	--
Transportation	1	--
Trade	18	3
Professional	1	--
Domestic and personal service	9	2
Industry and occupation not reported	1	--

Somewhat more detailed information on occupations was obtained for the 113 minors interviewed. The industrial and occupational distribution of this group was not very different from that of the larger group, and such differences as appear may be due to the small number interviewed. As was true of the larger group, the greatest proportion of the minors interviewed employed in any one industrial or occupational group, 58 of the 113, were in manufacturing industries in the occupations listed below:

	Boys	Girls
Machine occupations—		
Metal-working machines:		
Punch and drill-press operators	5	1
Wire-working machine operators	3	--
Grinders and buffers	1	1
Circular-saw operator	1	--
Other	1	1
Woodworking machines:		
Offbearers	2	--
Wood-lathe operator	1	--
Food-products machines:		
Dough-molding machine operator	1	1
Printing presses:		
Press feeder	1	--
Press oiler	1	--
Textile machines:		
Power-machine operator	--	2
Electric-supplies machines:		
Punch-press operator	1	--
Battery grid trimming machine operator	1	--
Nonmachine occupations:		
Unskilled helpers and laborers	14	--
Truck drivers	6	--
Truck driver's helper	1	--
Milk tester	--	1
Automobile mechanic	1	--

	Boys	Girls
Nonmachine occupations—Continued.		
Newspaper reporter	1	--
Messenger (bicycle)	1	--
Complaint boy (newspaper)	1	--
Semiskilled factory operative	1	--
Water boy	1	--
Apprentices	5	--

The remaining 55 minors interviewed were employed for the most part in trade and transportation. The occupational distribution of this group was as follows:

	Boys	Girls
Trade:		
Truck drivers	8	--
Messengers and delivery boys	6	--
Sales boys and girls	4	3
Store helpers	4	--
Elevator operators	3	--
Mechanic's helper (garage)	1	--
Transportation:		
Laborers	5	--
Truck drivers	2	--
Water boys	2	--
Messenger	1	--
Personal and domestic service:		
Helpers in restaurants and hotels	3	--
Laundry-machine operators	--	2
Bundle boy (laundry)	1	--
Pin boy (bowling alley)	1	--
General helper	1	--
Truck driver	1	--
Extraction of minerals:		
Laborers	3	--
Boiler firer	1	--
Weighman (mine)	1	--
Agriculture: Laborer	1	--
Public service: Laborer	1	--

LEGAL PROVISIONS VIOLATED

Under the provisions of the Indiana child labor law and rulings of the industrial board,[19] no minor under the age of 14 years may be engaged in any gainful occupation other than farm labor or domestic service. Minors between the ages of 14 and 18 must have a certificate to be legally employed, except in the case of a minor between 14 and 16 engaged in farm labor or domestic service outside school hours. Those between the ages of 14 and 16 years must have a regular employment certificate issued for a specific job or a vacation employment certificate; and those between 16 and 18 years of age must have a minor's certificate of age. These certificates must be on file with the employer during the minor's period of employment, and a duplicate copy must be sent by the issuing officer, within 5 days after issuance, to the industrial board in Indianapolis, where they are kept on file in the bureau of women and children. Boys under 16 and girls under 18 years of age may not be employed in any gainful occupation other than farm labor or domestic serv-

[19] The Industrial Board of Indiana has power, in cooperation with the State board of attendance, to make rules and regulations for the issuing of employment certificates and to revoke any certificate in the case of a minor who was illegally employed or if, in the judgment of either board, it was issued improperly. For excerpts from the Indiana child labor law see pp. 212–214.

ice more than 8 hours a day nor more than 48 hours a week. Neither may they work more than 6 days a week, nor before 6 a. m. nor after 7 p. m., nor may boys under 18 years of age be employed as messengers for messenger or telegraph companies before 6 a. m. nor after 10 p. m. Numerous occupations regarded as hazardous are specifically prohibited for minors under 16 and under 18 years of age, and the prohibition of these enumerated occupations is supplemented by a general prohibition of employment of minors under these ages "in any other occupation dangerous to life or limb or injurious to the health or morals of such minors." The occupations specifically prohibited under 16 years of age are for the most part in connection with specified hazardous machines, both power driven and otherwise;[20] but they include also any work in connection with the sorting, manufacturing, or packing of tobacco, and work in or about mines, quarries, or excavations, hotels, theaters, and bowling alleys. Those prohibited to minors under 18 years include the oiling and cleaning of machinery in motion; the operation of emery,[21] abrasive, polishing, or buffing wheels; the operation of elevators, lifts, or hoisting machinery; work around establishments in which high explosives are manufactured, compounded, or stored; work in saloons, breweries, or other establishments in which malt or alcoholic liquors are made or handled; and work in connection with the dipping, dyeing, or packing of matches. Any work in a public pool or billiard room is prohibited to minors under 21 years of age.

Although the industrial board has not formally ruled any occupation or class of occupations as prohibited to minors under 18 under the general clause "dangerous to life and limb or injurious to the health or morals," it has stated, informally, that although "this is a matter, of course, to be finally determined by a jury or a court * * * in each particular instance," it believed that work on a threshing machine, clover huller, and corn shredder falls within this classification.[22] Also under the authority of the same clause, although, so far as can be determined, no specific ruling to this effect has been made by the board, the department of women and children considers work on a printing press by minors under 16 as prohibited and in one instance, at least, during the period of the study questioned the legality of such work for a minor under that age so employed in referring his case to the board for action as to the compensation agreement. Under the Automobile Licensing Act it is illegal for a minor under 18 to operate a motor vehicle as a chauffeur on the public highways,[23] and employment of a minor contrary to this provision is sufficient to exclude him from the compensation act.

The most frequent violations of the law found in the study of the records, as shown by Table 23 were failure to comply with the

---

[20] Namely, oiling, wiping, or cleaning machinery or helping therein; operating or assisting in operating, or off-bearing at any of the following machines or apparatus whether power driven or not: circular or band saws; wood shapers, wood joiners, planers; stamping machines used in sheet-metal or tin-work manufacturing; stamping machines in washer or nut factories or any other stamping machine used in stamping metal; boilers or other steam-generating apparatus; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery; punch; shears; drill press; grinding or mixing mills; calendar rolls in rubber manufacturing; laundry machinery; corrugated rolls of the kind used in roofing and washboard manufacture; metal or paper cutting machines; corner-staying machines in paper-box factories.

[21] Except for the sharpening of tools used by an apprentice in connection with his own work.

[22] Information from Industrial Board of Indiana.

[23] Burns' Ann. Stat. 1926, sec. 10105. In passing a new automobile licensing act in 1929 (ch. 162) a similar provision was incorporated.

certificate requirements and employment in prohibited occupations. Violations of the sections of the law relating to the issuing of work certificates occurred much more frequently than any other. Violations other than certificate and occupational violations were few, but 5 minors were working at night as well as without certificates; 2 were only 13 years old and, therefore, not yet of legal working age; and 4 had altered their certificates and been reported to the board by its department of women and children as illegally employed. In 14 instances in which minors were working without certificates, it was uncertain whether or not they were also working in a prohibited occupation, as the decision depended upon their ages, which could not be verified. In seven instances, held to be cases of illegal employment by the bureau of women and children, it did not seem from the evidence on hand that the illegality had actually been proven, though it was more than probable. In these instances vacation certificates were found in the industrial-board files, but all requests for information as to whether or not the employers had them on file had been ignored by the latter. Their failure to reply to the inquiries was probably negative evidence that they did not have them, and presumably was accepted as such by the department of women and children.

TABLE 23.—*Type of legal violation in cases of industrial injuries to illegally employed minors of specified ages; Indiana, October 1, 1924–March 31, 1929*

Type of violation	Minors sustaining industrial injuries				
	Total	Age of minor			
		Under 16 years	16 years	17 years and over	Not verified
Total	822	39	136	[1] 308	339
Certificate only	696	23	110	248	315
Occupation only	15	5	3	5	2
Certificate and occupation	97	4	19	54	20
Other	[2] 7	3	2	1	1
Not reported	7	4	2		1

[1] Includes one 19 years old.
[2] Includes 2 minimum age (14 years), 1 hour alone, 3 hour and permit, and 1 hour, permit, and occupation.

Of the 822 minors included in the study, 797 (97 per cent) were working in violation of the certificate provision; 85 per cent were working in violation of this provision only. Certificate violations consisted of (1) employment without a certificate in 499 instances,[24] (2) failure on the part of the employer to have a certificate on file, although the records showed that certificates had been issued to the minors in question, in 270 instances, and (3) failure on the part of the issuing officer to send a duplicate copy of the certificate to the industrial board in 22 instances. Although this last requirement would seem to be unfair to both the employer and the injured minor who must suffer the consequences of the negligence of an issuing officer for whom they are not responsible, the industrial board holds

[24] Included in this number are two cases in which the injured minors had presented their employers with certificates issued outside the State, but which according to the industrial board did not legalize their employment in Indiana.

that as this is a specific provision of the child labor law its violation constitutes illegal employment for the minor concerned.

Occupational violations of the law, though much less common than certificate violations, were still comparatively frequent. One hundred and thirteen (14 per cent) of the minors illegally employed were engaged in occupations prohibited them by law at the time they were injured; 2 per cent were working in violation of the occupational requirements of the law only; and 12 per cent were working in violation of both certificate and occupational requirements. Of the 91 minors reported as employed in prohibited occupations whose ages were known, 10 were under 16 years of age, 80 were between 16 and 18, and 1 was 19 years. Of the 10 under 16 years, 8 were in occupations prohibited minors under 16 and 2 were in occupations prohibited those under 18. Of the 80 between 16 and 18 years of age, all were in occupations prohibited minors under 18.

More than half (67) of the 113 injured minors violating the occupational provision of the law were held illegally employed because they were employed at driving motor vehicles—usually trucks—either ignoring the State regulation requiring a driver's license or misrepresenting their ages to obtain one. Several of these were not actually driving a truck at the time they were injured, but they were all engaged in some work directly relating to this occupation and thus were held to be illegally employed in the same manner as though they had actually been driving. A little less than one-fourth (27) of the group were operating prohibited power-driven machinery when injured. Most of these were working at their regular occupations, but several who were usually employed in legal occupations had been assigned to a prohibited job. Of the remainder, 7 were injured while operating elevators, 3 while working in pool rooms and bowling alleys, 2 in connection with work on threshing machines, 1 while working around excavations, 1 in the course of work in a quarry, 1 while working underground in a mine, and 2 were oiling machinery in motion. Four of the 6 girls working in prohibited occupations were operating elevators when injured, and 2 were working on buffing machines in a silverware factory. Two of these, an elevator operator and a buffer, were 16 years of age; the other 4 were 17. All these girls were injured in the course of work for which they were hired.

Although there was practically no difference in the proportion of occupational violations among minors known to be 16 years of age and those known to be 17 years of age—17 per cent and 19 per cent of each group, respectively, were employed in prohibited occupations—among the 35 who were known to be under 16 years of age, almost one-half (16) were in prohibited occupations. The larger number of occupations prohibited for children under 16 than for older boys and girls accounts for this.

In general, the facts as to violations of the child labor law in the case of the minors who were interviewed merely corroborate the findings for the larger group. Employment in prohibited occupations was more common, however, as might have been expected as this group was selected for interviewing because of the more serious nature of their injuries. Of the 113 minors visited more than one-fourth (28 per cent) were injured in the course of work prohibited

them by law as compared with about one-seventh (14 per cent) of all those included in the study. As among the larger group, driving motor vehicles, especially trucks, was more frequently than any other the prohibited occupation in which the minors interviewed were employed. Most of the other accidents occurred during work in connection with machinery—chiefly hoisting machinery, buffing and grinding machines, and wood lathes. Several boys injured in illegal occupations, all 16 or 17 years of age, were regularly employed at legitimate work, but, as a part of their duties, were either specifically assigned to or allowed to perform tasks legally prohibited them. One boy, employed as a water boy for a road-construction company, was injured while driving a truck, a job to which he was frequently assigned by the foreman under whom he was working. Two other boys—one a bell boy in a hotel and the other a bundle boy in a laundry—were injured while operating elevators. One of them at least had been taught by his foreman to operate the elevator in order that he might use it to go from floor to floor in the course of his work. Other examples are as follows:

A boy, employed as a bookbinder, was injured while oiling a printing press which was in motion. According to this boy's statement, the press feeders were girls and not expected to oil their own machines. Therefore in addition to his regular duties he had been instructed to oil all the presses. Although he had never been told not to stop the machinery while working on it, neither had he been instructed to do so, and for two or three months prior to his accident he had been oiling the machines while they were in motion to the knowledge of everybody around.

Another boy interviewed was regularly employed at one prohibited occupation and injured while temporarily working in another. Engaged to work as a truck driver he also acted as general helper around the feed store in which he was employed. Among other duties he often operated a power-driven corn sheller, an occupation, like truck driving, held by the industrial board to be prohibited minors under 18 years of age under the general clause of the child labor law with reference to occupations "dangerous to life or limb." (See p. 156.) While so employed, he caught his hand in the machine, amputating his right index finger at the first joint.

A 17-year-old boy regularly employed on a wood lathe, an occupation not prohibited him under the law, was injured while attempting to oil the machine in motion. He stated, when interviewed, that although the foreman had never told him not to stop the machine while oiling it, it was generally understood among the employees that to do so was not desirable as a number of lathes were operated by one motor and if one was stopped, all stopped. He reported that about 15 minutes after his accident a hand-written sign was posted above the machine to the effect that machinery was not to be oiled while in motion.

In view of the fact that in Indiana no special inquiry such as is made to establish the certificate status is made to determine whether injured minors are employed in prohibited occupations or contrary to the hours of labor or night work laws, it is not surprising that many more violations of these provisions of the law were discovered in the course of personal interviews than was apparent from the accident reports. Among the 113 minors visited 12 were found who had been injured in prohibited occupations, although the information given on the accident reports indicated that they were working only in violation of the certificate requirements of the law. Of these, seven had been reported by the employers as "helpers on trucks," "laborers," and "delivery boys," when in fact, as was learned later, they were driving trucks at least a part of the time.

Two, one 16 and one 17 years of age, were reported as operating machines that were not prohibited (a report correct so far as it went), but no mention was made of the fact that they were injured while attempting to oil them in motion. Two others, one 14 and one 17 years of age, were employed at more than one kind of work and though the work in the course of which the accident occurred was illegal, the legal job, which was in each instance the primary job, was the only one mentioned on the accident report. Another boy, only 16 years of age, injured while working in connection with hoisting machinery, was merely reported as a day laborer, no description being given of the actual type of work at which he was employed. On the other hand, two cases were found in which the industrial-board records indicated illegal employment, but investigation proved that such was not the case. Though reported as truck drivers, both boys stated when interviewed that they had never worked in that capacity but were always employed as truck-drivers' helpers only. Both were injured during the period in which minors illegally employed were covered by the compensation act. In one instance the board failed to award double compensation, perhaps learning that the occupation had been incorrectly reported (the industrial-board records do not show the reason); in the other instance, although the industrial board awarded the minor double compensation for his injuries, the employer refused to pay his share of the compensation, so in fact he received the same amount as he would have received had an investigation of the occupation been made. As was the case with occupational violations, several violations of the hours and night-work provisions of the law were found in the course of personal interviews with the injured minors which were not apparent from the accident reports. One boy and one girl, both only 15 years of age, were working after 7 p. m., and one girl, only 17 years of age, was employed nine hours a day, the latter in addition to being employed in a prohibited occupation.

Many of the illegally employed minors acknowledged that they had deliberately misrepresented their ages when applying for the job at which they were later injured, giving as a reason that it was easier to obtain work if they could say they were at least 18 years of age. One boy working at a prohibited occupation had his certificate in his pocket when injured. He had been working during the summer without it, but with the opening of school in the fall both he and the firm by which he was employed had been notified by the school-attendance officer that he must obtain a certificate or return to school. At the time of the accident he had had the certificate for several days, but he had not had the courage to present it to his employer lest he lose his job when it was discovered that he had falsified his age. A considerable number, however—30 of the 101 boys and 3 of the 12 girls—reported that they were never questioned as to their age when employed. Furthermore, of 55 boys and 8 girls who reported that they were questioned in this respect, 40 of the former and 5 of the latter insisted that they had given their correct ages, although in the case of 26 of the boys and of 1 of the girls the employers' statements on the accident reports were to the contrary. Some minors reported that although they had falsified their ages it was done with the knowledge of the employer. One boy told of applying for work at a machine shop and being refused

because he was only 17 years of age. Being desperate for a job because his earnings were needed at home, he replied that he had to have work and had walked everywhere looking for it, so he would say that he was 21; he was then allowed to go to work. Another boy, only 15 years of age, reported that at the time of his accident his employer approached him before he was taken to a doctor saying, "You're a friend of mine, aren't you? Well, then, when you get to the doctor, tell him you are 16." In return the employer promised to report the boy's wages to the insurance company as $15 a week instead of the actual $8. In another instance the mother of an injured minor made the following statement: Her son had obtained a job as delivery boy for a local feed store and in order to make his deliveries it was necessary for him to drive a truck. He was only 14 years of age, and consequently could not get a driver's license, but his employer told him that he would take care of that matter. Several days later he approached the mother with the request that she come to his office and sign a paper that he had prepared relative to getting a license for the boy. The mother realizing that this meant falsifying the boy's age did not go to the office, but the boy continued to drive the truck until one year later, when he was injured. Another boy reported that when he applied for a position as elevator operator the employer said, "Say you are 18 and you can have it." Thus because their employers had failed to accept the responsibility put upon them to safeguard young workers by complying with the child labor law, many minors were obliged to suffer the consequences of illegal employment when they met with accidents. In a few cases the injured minors reported that they did not know that they were required to have certificates of age (these were usually boys who had spent their school lives in rural communities); but usually, not realizing the possible consequences, the boys took the attitude "why bother to get a certificate if you can get by without one."

NATURE AND LOCATION OF INJURIES

The largest number of injuries were cuts and lacerations. (See Table 33, p. 172.) Next in importance numerically were bruises and abrasions, followed in the order named by fractures and dislocations, sprains, crushes, and burns. Girls suffered to an even greater extent than boys from cuts and lacerations, which caused 57 per cent of their injuries compared with 41 per cent of the injuries to boys. Many of the most serious injuries were of this nature. Of the 23 injuries to boys and 2 to girls resulting in permanent disability, all but 3 were cuts and lacerations. Of these 20 were amputations, 1 was a severe cut to the index finger that affected the tendon and resulted in a stiff joint, and 1 was a puncture of the eye ball that completely destroyed the sight. All amputations but one occurred to boys, and with the exception of a boy who suffered the loss of two toes, all amputations were to fingers. The majority involved one finger or a part of a finger, but 2 boys and 1 girl lost part of both index and middle fingers, and 1 boy lost part of the third and fourth fingers. Two boys, both injured on power-driven meat grinders, were even more seriously handicapped. One of them lost the first three fingers at the second joint and the fourth finger just below the first joint; the other lost the first, second, and fourth finger at the second joint and

the entire third finger. Cuts and lacerations were responsible also for the more serious temporary injuries (so far as they were known), 19 per cent of those occurring to boys and 4 of the 7 occurring to girls resulting in a disability of 28 days or more.

Bruises and abrasions were not responsible for any of the permanent disabilities, but they caused 12 per cent of the temporary disabilities lasting 28 days or more to boys, and 7 of the 45 occurring to girls. One of the three minors who were killed was crushed to death by an elevator door, and crushing also caused 9 per cent of the more serious temporary injuries to boys. Fractures resulted in one permanent disability and a larger proportion of serious temporary disabilities than any other type of injury, 48 per cent of all injuries to boys resulting in a disability of 28 days or more and one of the few such injuries to girls lasting this long being of this nature. Sprains, which were for the most part of wrists or ankles but in nine instances resulted in hernia, caused 6 per cent of the temporary disabilities to boys lasting 28 days or more, and 1 of the 7 to girls. Burns caused 7 per cent of the cases of such serious temporary disability occurring to boys, but none of those occurring to girls.

In 58 cases, almost all resulting from cuts and bruises, it was known that infection developed from the injuries. Infection was probably much more common than this figure indicates. In the course of the interviews it was found that infections, which caused some of the most severe suffering and resulted in some of the most serious disabilities, occurred more commonly than the records showed, as frequently they did not develop until after the accident report had been filed and were therefore not recorded.

EXTENT AND DURATION OF DISABILITY

Physicians' reports were not required during the period of the study in the case of minors injured in the course of illegal employment except during the 14 months that such minors were compensated for their injuries, and even during that period very frequently they were not received, as the physicians were lax in sending them in. Only 31 such reports were on file in the industrial board for the cases included in the study. However, other records and correspondence yielded information regarding additional cases, so that, in all, information as to the extent of the disability sustained was obtained for 495 of the 822 injured minors included in the study—447 boys and 48 girls. (Table 24.) One-third of the accidents to this group were noncompensable, the period of disability not having exceeded the 7-day waiting period. Of the 334 compensable accidents, 3 were reported to have resulted in death, 25 in permanent partial disability, and the remaining 306 in temporary disability. If information as to the extent of their disability could have been obtained for all the minors included in the study, there probably would have been a much larger percentage of permanent injuries. As these figures now stand, they include only those injuries occurring during the period when illegally as well as legally employed minors were treated as being covered by the compensation act, plus those occurring outside that period and for which information was presumably filed before the employer was notified of the illegality of the employment of the injured minor. It would seem reasonable, therefore, to suppose that the latter group would include a relatively

larger proportion of the less serious injuries, as in the case of the more serious ones in which the disability would last relatively longer the employer would more than likely have been notified of the illegality of employment before the disability was terminated and the full extent of the injury determined. In Illinois, New Jersey, New York, and Wisconsin, where figures for illegally employed minors are available and where more complete reports are required, the percentage of permanent and fatal injuries was found to be much larger than in Indiana—29, 49, 55, and 16 per cent, respectively, as compared with 4 per cent in Indiana. (See p. 222.)

TABLE 24.—*Extent of disability from industrial injuries to illegally employed boys and girls; Indiana, October 1, 1924–March 31, 1929*

Extent of disability	Minors sustaining industrial injuries				
	Total		Boys		Girls
	Number	Per cent distribution	Number	Per cent distribution	Number
Total	822		743		79
Extent reported	495	100	447	100	48
Death	3	1	2	(2)	1
Permanent partial	25	5	23	5	2
Temporary	467	94	422	94	45
Extent not reported	327		296		31

[1] Per cent distribution not shown because number of girls for whom extent of disability was reported was less than 50.
[2] Less than 1 per cent.

Two of the three fatal accidents in Indiana occurred to boys and one to a girl. Of the 25 known to have resulted in permanent disabilities, 23 were to boys and 2 to girls. Most of the permanent injuries consisted of crippled hands due to amputation of fingers, or to stiff joints resulting from severe cuts and bruises, but one boy suffered a 45 per cent loss of use of his right arm; another a 30 per cent loss of use of one leg; a third lost two toes by amputation; and a fourth lost the sight of one eye. Temporary disabilities frequently involved long periods of convalescence, causing serious hardships. According to the reports sent to the industrial board, almost one-fifth of the boys and 7 of the 45 girls reporting temporary injuries were known to have been totally incapacitated for periods varying from 4 to 23 weeks. As a matter of fact, however, this is a minimum statement. (Tables 25 and 26.) The period of disability in many cases may have been much longer than the records showed. In the course of personal interviews with a number of the injured minors it was found that frequently the duration of disability as given on the accident report did not cover the entire period that the injured minor was incapacitated, but only that part for which he had happened to have received compensation, the employer or insurance company probably not having discovered that the minor was illegally employed until after a portion of the compensation had been paid. Table 26 shows the extent of disability and duration of temporary disability of the injured minors classified according to age. Reliable

conclusions can not well be drawn from this information, as the facts as to age are available for only a relatively small number.

TABLE 25.—*Duration of temporary disability from industrial injuries to illegally employed boys and girls; Indiana, October 1, 1924–March 31, 1929*

Duration of disability	Minors sustaining temporary industrial injuries				
	Total		Boys		Girls
	Number	Per cent distribution	Number	Per cent distribution	Number[1]
Total	467	100	422	100	45
Less than 8 days	161	34	144	34	17
8 days, less than 15	129	28	113	27	16
15 days, less than 28	95	20	90	21	5
28 days, less than 3 months	76	16	69	16	7
3 months or more	6	1	6	1	

[1] Per cent distribution not shown because number of girls was less than 50.

TABLE 26.—*Extent of disability and duration of temporary disability from industrial injuries to illegally employed minors of specified ages; Indiana, October 1, 1924–March 31, 1929*

Age of minors	Minors sustaining industrial injuries								
	Total	Extent of disability							
		Death	Permanent partial	Temporary					Not reported
				Total	Duration				
					Less than 8 days	8 days, less than 15	15 days, less than 28	28 days or more	
Total	822	3	25	467	161	129	95	82	327
13 years	2			2	2				
14 years	6			5	3	2			1
15 years	31			18	8	4	3	3	13
16 years	136		2	87	20	25	24	18	47
17 years and over	[1] 308	1	11	168	54	53	30	32	127
Age not verified	339	2	12	186	74	45	38	29	139

[1] Includes one 19 years old.

The three fatal accidents to illegally employed minors occurred to a boy employed in the delivery service of a retail store, to a delivery boy employed by a commercial messenger firm, and to a girl employed as an ironer in a laundry. The 25 accidents known to have resulted in permanent injuries occurred in the following industries or occupational groups:

	Number of accidents
Manufacturing industries	15
Trade	6
Mining industry	2
Personal and domestic service	1
Industry not reported	1

They constituted 5 per cent of all the accidents for which the extent of disability was reported as occurring to illegally employed minors in manufacturing, 7 per cent of those in trade, 1 of the 30 in personal and domestic service, and 2 of the 6 in mining. Among the accidents that resulted in temporary disabilities, those that were known to have caused comparatively serious injuries appeared to have occurred most frequently in three particular manufacturing groups—food and kindred products, the metal trades, and the lumber industries. (Tables 27 and 28.)

TABLE 27.—*Extent of disability and duration of temporary disability from industrial injuries to boys illegally employed in specified industries or occupational groups; Indiana, October 1, 1924–March 31, 1299*

Industry or occupational group	Boys sustaining industrial injuries													
	Extent of disability													
	Total	Death	Permanent partial	Temporary										Not reported
				Total	Per cent distribution	Duration								
						Less than 8 days		8 days, less than 15		15 days, less than 28		28 days or more		
						Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution	
Total	743	2	23	422	-----	144	-----	113	-----	90	-----	75	-----	296
Industry or occupational group reported	713	2	22	405	100	133	100	110	100	88	100	74	100	284
Agriculture	11	----	----	5	1	3	2	----	----	1	1	1	1	6
Extraction of minerals	12	----	2	4	1	----	----	1	1	2	2	1	1	6
Manufacturing and mechanical industries	453	----	13	265	65	84	63	79	72	50	57	52	70	175
Metal industries	119	----	5	72	18	23	17	21	19	14	16	14	19	42
Building trades	86	----	----	45	11	13	10	12	11	11	12	9	12	41
Food and kindred products	65	----	2	42	10	11	8	11	10	9	10	11	15	21
Lumber and allied products	63	----	4	32	8	11	8	11	10	3	3	7	9	27
Clay, glass, and stone	33	----	----	18	4	5	4	9	8	3	3	1	1	15
Printing and publishing	20	----	2	14	3	9	7	2	2	2	2	1	1	4
Paper and paper products	9	----	----	7	2	----	----	2	2	1	1	4	5	2
Electrical supplies	8	----	----	5	1	1	1	2	2	1	1	1	1	3
Textiles	6	----	----	----	1	2	2	1	1	3	3	----	6	----
Clothing	4	----	----	1	(1)	----	----	----	----	----	----	1	1	3
Other	34	----	----	20	5	8	6	6	5	3	3	3	4	14
Not reported	6	----	----	3	1	1	1	2	2	----	----	----	----	3
Transportation	55	1	----	28	7	11	8	3	3	9	10	5	7	26
Trade	139	1	6	76	19	28	21	19	17	20	23	9	12	56
Public service	7	----	----	3	1	2	2	----	----	----	----	1	1	4
Professional	1	----	----	1	(1)	1	1	----	----	----	----	----	----	----
Domestic and personal service	34	----	1	23	6	4	3	8	7	6	7	5	7	10
Other	1	----	----	----	----	----	----	----	----	----	----	----	----	1
Industry or occupational group not reported	30	----	1	17	-----	11	-----	3	-----	2	-----	1	-----	12

[1] Less than 1 per cent.

TABLE 28.—*Extent of disability and duration of temporary disability from industrial injuries to girls illegally employed in specified industries or occupational groups; Indiana, October 1, 1924–March 31, 1929*

Industry or occupational group	Girls sustaining industrial injuries								
	Total	Extent of disability							
		Death	Permanent partial	Temporary					Not reported
				Total	Duration				
					Less than 8 days	8 days, less than 15	15 days, less than 28	28 days or more	
Total	79	1	2	45	17	16	5	7	31
Manufacturing and mechanical industries	49	-------	2	29	11	11	5	2	18
Clothing	14	-------	-------	7	3	1	2	1	7
Metal industries	9	-------	1	6	2	3	1	-------	2
Food and kindred products	8	-------	1	4	1	2	-------	1	3
Lumber and allied products	6	-------	-------	3	2	-------	1	-------	3
Electrical supplies	3	-------	-------	2	1	1	-------	-------	1
Printing and publishing	3	-------	-------	2	1	1	-------	-------	1
Clay, glass, and stone industries	1	-------	-------	-------	-------	-------	-------	-------	1
Paper and paper products	1	-------	-------	1	-------	-------	1	-------	-------
Textiles	1	-------	-------	1	-------	1	-------	-------	-------
Other	3	-------	-------	3	1	2	-------	-------	-------
Transportation	1	-------	-------	1	-------	1	-------	-------	-------
Trade	18	-------	-------	9	3	3	-------	3	9
Professional	1	-------	-------	-------	-------	-------	-------	-------	1
Domestic and personal service	9	1	-------	5	3	-------	-------	2	3
Not reported	1	-------	-------	1	-------	1	-------	-------	-------

Temporary injuries were somewhat more serious among minors working in prohibited occupations, as might have been expected from the presumably hazardous nature of such occupations, than among those employed in violation of the certificate requirements of the law. A little more than one-fourth in the first group as compared with slightly less than one-fifth in the second had injuries resulting in disabilities of 28 days or more. Nevertheless, the proportion of fatal and permanent injuries in the two groups was practically the same—7 per cent and 6 per cent, respectively. (Table 29.)

TABLE 29.—*Extent of disability and duration of temporary disability from industrial injuries to illegally employed minors, according to type of legal violation; Indiana, October 1, 1924–March 31, 1929*

Type of violation	Minors sustaining industrial injuries								
	Total	Extent of disability							
		Death	Permanent partial	Temporary					Not reported
				Total	Duration				
					Less than 8 days	8 days, less than 15	15 days, less than 28	28 days or more	
Total	822	3	25	467	161	129	95	82	327
Certificate only	696	3	20	392	139	109	80	64	281
Occupation only	15	-------	-------	11	2	5	3	1	4
Certificate and occupation	97	-------	5	55	13	14	11	17	37
Others	17	-------	-------	4	4	-------	-------	-------	3
Not reported	7	-------	-------	5	3	1	1	-------	2

[1] Includes 2 minimum age (14 years), 1 hour alone, 3 hour and permit, and 1 hour, permit, and occupation.

The interviews brought out some significant facts in regard to both the extent and the nature of the injuries sustained. At the time the minors were interviewed, from 6 months to 6 years had elapsed since the occurrence of the accidents that had caused their injuries. For considerably more than four-fifths the period elapsing was at least 1 year, and in all but one instance it was sufficient to allow the actual extent of their disability to be determined. Twenty minors who were interviewed or whose parents were interviewed were disabled for a comparatively short period—less than 28 days; of the remainder, 3 (2 boys and 1 girl) met with instant death; 30 (among them 2 girls) received permanent injuries; and 58 received temporary injuries resulting in a disability of from 1 month to 1 year. In one instance, although more than 4 years had passed since the accident, it was impossible to determine whether or not the injury was permanent. The boy in question was hurt when an automobile collided with a bicycle on which he was riding while employed as a messenger boy for a gas and electric light company. He suffered a concussion of the brain and severe injuries to his back. Immediately following the accident he was disabled for 5½ months and after that periodically was bothered with infections at the base of the spine, at first at intervals of 3 or 4 months and then less frequently. These were severe enough to confine him to his bed for several weeks, and each time caused him to lose his job. At the time of the interview he had undergone several operations and had not had any trouble since the last, which had taken place about 9 months previously.

The largest proportion of the permanent injuries among the interviewed minors were to hands and fingers, most of them resulting in amputations either at the time of the accident or as a result of infections that developed later. The loss of even one finger is a serious handicap to a young person who must earn his living with his hands, but in several instances the loss was even greater. One boy lost the ends of the third and fourth fingers of his left hand; another lost the first and second fingers of his right hand at the second joint and the entire third finger; a third lost the first three fingers of his left hand at the second joint and the fourth finger at the middle of the second phalange; and a fourth boy lost the second finger of his right hand at the second joint and the third finger at the third joint. Six of the permanent injuries affected parts of the body other than hands and fingers. One boy had his foot crushed so severely that he was obliged to wear special supporting pads and even with the help of these limped and was handicapped in getting around. Another, caught between the couplers of two empty freight cars which he had been unloading, was so badly crushed that his pelvic bone was broken in five places. At the time of the interview he still limped badly, had difficulty in getting around, tired easily, and was unable to do hard work of any kind. A 16-year-old girl was badly burned on her arms, side, and chest from the explosion of a gas heater. When interviewed, she could get around only with great difficulty, and her right arm was twisted and completely useless. A 16-year-old boy suffered gasoline burns that became infected, totally disabling him for two years and leaving him with a 45 per cent impairment of use of the right arm. Another boy, of the same age, employed in a stone quarry lost the sight of one eye when he was struck by a flying piece of stone, and a sixth boy, also 16 years of

age, had two toes amputated when his foot was caught under the roller of a steam shovel.

The temporary injuries, although less grave in results in many instances, caused longer periods of total disability than did many of the permanent injuries, and they were often extremely serious from the point of view of the suffering endured and the financial loss entailed. Of the 58 minors interviewed who received injuries resulting in a disability of at least 28 days, 22 were totally disabled for 2 months or more and 5 for from 4 to 7 months.

In comparing the extent of their injuries as reported by the minors interviewed with that indicated on the accident reports, it was found that a number of these had been more seriously hurt than was reported at the time of the accident. Of the 30 receiving permanent injuries, 8 were more seriously injured than the records indicated. In most of these instances the full seriousness of the injury was not realized until after the report had been filed, but in some cases the discrepancies were due to careless reporting on the part of the employers. In one case, according to the only report made of the accident, the minor in question had received "an injury to the left forefinger," when actually the middle finger of the left hand had been amputated at the first joint. In a second case the injured worker was reported to be "badly bruised about the abdomen but no bones appear broken," when in fact the pelvic bone was broken in five places and the boy was seriously crippled for life. Discrepancies were also found between the statements of the minors and the information found on the reports regarding the length of time they were incapacitated in the case of temporary injuries. Of the 79 minors visited suffering temporary injuries, reports as to the duration of disability were on file with the industrial board for 43. Of these 43, 10 stated that they had been incapacitated for at least two weeks longer than the reports showed. In 8 cases the difference was one of three weeks or more, and in 3 cases it was more than two months. For example, the mother of an injured minor complained, when discussing the amount of compensation received by her son whose hand was permanently crippled as a result of having been crushed in a dough-moulding machine, that nine weeks after his accident he received a lump sum of $53 and was told "that was all he had coming to him." The boy was under a physician's care and unable to work for five months and both he and his mother wondered why he was not entitled to further compensation.

In 6 of the 10 cases in which there was a discrepancy in the records, the accident occurred during the period prior or subsequent to that in which illegally employed minors were compensated under the workmen's compensation act. In all but one of these the minor received some payment from the employer as indemnity for his injuries. It seems probable that this indemnity was paid these minors under the impression that they were entitled to compensation, but that it was discontinued when it was discovered that they were not, and that the period of disability as indicated on the records in all likelihood covered not the entire period but only that part for which compensation was paid. But even in cases of accidents occuring to minors injured during the 14 months in which illegally employed minors were compensated for their injuries under the act, complaints were sometimes heard that injured minors were discharged by at-

tending physicians and deprived of compensation before they were able to return to work, and that for no explainable reason compensation payments were sometimes discontinued a week or two before they should have been. One boy who received a badly broken arm while cranking a truck reported that he was discharged by the doctor and his compensation discontinued when the cast was removed from his arm (at the end of two months), although his arm was so weak that he was unable to work for a considerable period after that.

CAUSES OF INJURY [25]

Handling objects and machinery were the most frequent causes of injury to minors illegally employed in Indiana. (Table 30.) Together they were responsible in about equal proportions for almost one-half (47 per cent) of the injuries to this group of workers. More than two-fifths (45 per cent) of the injuries occurring to boys and practically two-thirds (49 out of 76 reporting the cause of injury) of those occurring to girls were due to these two causes alone. Among the boys, injuries caused by handling objects were somewhat more common than machine injuries, 25 per cent being due to the former and 20 per cent to the latter; but among the girls machinery was responsible for slightly more than twice as many, 34 as compared with 15. Next in importance as a cause of accidents, as far as boys were concerned, came vehicles, which caused 16 per cent of all injuries to boys. No vehicular accidents occurred in the case of girls. With them dangerous and harmful substances ranked next to handling objects and machinery, being responsible for 9 (12 per cent) of the injuries. Stepping on or striking against objects, falls of persons, hand tools, dangerous and harmful substances, and falling objects followed in the order of their frequency as the causes of injuries to boys; and falls of persons, hand tools, stepping on or striking against objects, and falling objects, to girls. None of these causes was responsible, however, for more than 11 per cent of the total number of injuries to either group of workers.

TABLE 30.—*Number of illegally employed boys and girls sustaining industrial injuries, according to specific causes; Indiana, October 1, 1924–March 31, 1929*

Cause of injury	Minors sustaining industrial injuries					
	Total		Boys		Girls	
	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution
Total	822		743		79	
Cause reported	802	100	726	100	76	100
Machinery	181	23	147	20	34	45
Handling objects	196	24	181	25	15	20
Vehicles	117	15	117	16		
Stepping on or striking against objects	80	10	77	11	3	4
Falls of persons	75	9	67	9	8	11
Hand tools	58	7	53	7	5	7
Dangerous and harmful substances	52	6	43	6	9	12
Falling objects	25	3	24	3	1	1
Miscellaneous	18	2	17	2	1	1
Cause not reported	20		17		3	

[25] The classification of causes of accidents in this report is that recommended by the committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. See Standardization of Industrial Accident Statistics (U. S. Bureau of Labor Statistics Bul. No. 276, Washington, 1920).

Not only was machinery one of the most common causes of injury to young workers in Indiana, but it was also more frequently than anything else, so far as the available information shows, the cause of serious injuries as measured by the extent of the resulting disability. (Tables 31 and 32.) One of the three fatal accidents reported within the period of the study and 17 of the 25 accidents known to have resulted in permanent disability were due to machinery. On the other hand, only a little more than one-fifth (22 per cent) of the injuries reported to have caused only temporary disability were the result of machine accidents. Fifteen per cent of the machine injuries in which the extent of disablity was known were known to have caused death or permanent disability, whereas less than 7 per cent of the injuries due to any other one cause were reported to have resulted so seriously. Likewise a considerable proportion of the temporary injuries known to have resulted in disabilities of a relatively long duration were due to machinery. Although vehicular accidents caused the largest proportion (46 per cent) of those resulting in temporary disability of 28 days or more, slightly less than one-fourth, considerably more than was due to any other cause except vehicles, were the result of machine accidents. Injuries due to handling objects, though important as far as numbers were concerned, were of little importance from the standpoint of severity. None of the injuries from this cause resulted fatally, and only 2 per cent were known to have caused permanent disability. Temporary injuries from this cause, also, were comparatively slight, only 10 per cent resulting in disabilities of 28 days or more as compared with 46 per cent of those due to vehicles, 23 per cent of those due to machinery, and 18 per cent of those due to all causes.

TABLE 31.—*Extent of disability from industrial injuries to illegally employed minors, according to specified causes; Indiana, October 1, 1924–March 31, 1929*

Cause of injury	Minors sustaining industrial injuries				
	Total	Extent of disability			
		Death	Permanent partial	Temporary	Not reported
Total	822	3	25	467	327
Machinery	181	1	17	101	62
Handling objects	196	----	3	124	69
Vehicles	117	1	----	65	51
Stepping on or striking against objects	80	----	----	36	44
Falls of persons	75	----	----	39	36
Hand tools	58	----	2	34	22
Dangerous and harmful substances	52	1	1	37	13
Falling objects	25	----	1	14	10
Miscellaneous	18	----	1	5	12
Not reported	20	----	----	12	8

TABLE 32.—*Duration of temporary disability from industrial injuries to illegally employed minors, according to specified causes; Indiana, October 1, 1924–March 31, 1929*

Cause of injury	Minors sustaining temporary industrial injuries				
	Total	Duration of disability			
		Less than 8 days	8 days, less than 15	15 days, less than 28	28 days or more
Total	467	161	129	95	82
Handling objects	124	42	37	33	12
Machinery	101	30	30	18	23
Vehicles	65	13	12	10	30
Falls of persons	39	19	10	5	5
Dangerous and harmful substances	37	8	12	11	6
Stepping on or striking against objects	36	20	11	3	2
Hand tools	34	18	6	8	2
Falling objects	14	8	4	1	1
Miscellaneous	5	1	2	2	
Not reported	12	2	5	4	1

Accidents from machinery, handling objects, vehicles, and stepping on or striking against objects were responsible, practically equally, for all but 8 of the 39 injuries to illegally employed minors under 16 years of age. Among those 16 years of age, however, injuries due to vehicles and handling objects were more common than injuries from other causes, and among those 17 years of age injuries due to machinery and handling objects predominated. Of the injuries to 16-year-old minors illegally employed, 24 per cent were due to handling objects, 22 per cent to vehicles, and 19 per cent to machinery; in the 17-year-old group, 28 per cent were due to machinery, 24 per cent to handling objects, and only 15 per cent to vehicles. Stepping on or striking against objects caused 11 per cent of the injuries to minors 16 years old, but no other one cause was responsible for more than 7 per cent of the injuries to minors of either 16 or 17 years of age. As might be expected, a larger proportion of the injuries due to vehicles and to machinery than to other causes were sustained by minors employed in prohibited occupations. Although only 14 per cent of all minors illegally employed were found to be engaged in prohibited occupations, 40 per cent of those injured by vehicles and 22 per cent of those injured by machinery were so employed. Injuries from these two causes constituted almost three-fourths (74 per cent) of all injuries to minors working in prohibited occupations.

Table 33 shows the nature of the injuries sustained by the minors included in the study, according to the different causes.

TABLE 33.—*Nature of industrial injuries to illegally employed minors, according to specified causes; Indiana, October 1, 1924–March 31, 1929*

Cause of injury	Minors sustaining industrial injuries											
		Nature of injury										
	Total	Bruises, contusions, abrasions	Crushed or smashed	Concussion or shock	Cuts, punctures, lacerations			Burn or scald	Fracture and dislocation	Sprain or strain	All other	Not reported
					Total	Minor cuts	Amputations					
Total	822	128	73	5	366	346	20	53	[1] 100	81	[2] 8	8
Machinery	181	18	27	2	110	95	15	2	18	2	------	2
Handling objects	196	45	28	------	86	84	2	2	7	27	1	------
Vehicles	117	16	7	2	17	17	------	------	50	21	2	2
Stepping on or striking against objects	80	14	------	------	60	60	------	1	2	3	------	------
Falls of persons	75	9	1	------	20	20	------	1	16	27	------	1
Hand tools	58	10	1	------	44	43	1	1	1	------	1	------
Dangerous and harmful substances	52	------	------	------	1	1	------	46	------	------	4	1
Falling objects	25	6	5	------	9	8	1	------	4	1	------	------
Miscellaneous	18	5	1	1	8	7	1	------	1	------	------	2
Not reported	20	5	3	------	11	11	------	------	1	------	------	------

[1] Includes fractures, 96; dislocations, 7.
[2] Includes nicotine, acid, or gas fume, 3; lead poisoning, 1; multiple injuries, 3; eye injury, 1.

Among the 113 minors interviewed machinery and vehicles were the principal causes of injury. They were responsible for two-thirds of the accidents to this group of workers, and they occurred in all age groups alike. No vehicular accidents occurred to girls, but machine accidents were common among both boys and girls. The proportion of accidents due to these two causes was considerably larger among the interviewed minors, who represented (for the most part) the more seriously injured, than among the total number included in the study. Whereas in the larger group 23 per cent of the accidents occurring to boys and 45 per cent of those occurring to girls were due to machinery, in the interviewed group 33 per cent of those to boys and 6 of the 12 occurring to girls were due to this cause. Likewise, only 16 per cent of the accidents to boys in the larger group were due to vehicles as compared with 33 per cent of those in the interviewed group. (No vehicular accidents occurred to girls in either group.) Accidents due to handling objects, which together with those due to machinery were responsible for such a large number of the injuries in the larger group (25 per cent of those occurring to boys and 20 per cent of those occurring to girls), were responsible for only a small percentage of injuries to those interviewed (12 per cent of those to boys and 1 of the 12 occurring to girls).

An even larger percentage of accidents due to machinery and vehicles occurred to the boys and girls engaged in occupations prohibited because of their hazardous nature in the group interviewed than to those so employed in the group as a whole. Of the 32 occupational violations discovered, 10 were in connection with machine accidents and 18 were in connection with vehicular accidents. Machine accidents, however, if it is assumed that in general injuries resulting in permanent partial disability are more serious than those

resulting in temporary disability, were the cause of more serious injuries than vehicles, although vehicles led all other causes except machinery in severity of injuries. Of the 39 machine accidents occurring to both boys and girls, 1 was fatal and 19 resulted in permanent partial disability. Of the 33 vehicular accidents, 1 was fatal but only 2 resulted in permanent disability.

ACCIDENTS DUE TO MACHINERY

Machinery was responsible for 147 injuries to boys and 34 to girls. (Table 34.) Hoisting apparatus, elevators, cranes, and derricks were responsible for 22 of the injuries to the boys and elevators for 4 of the injuries to the girls. The great majority of the injuries in each group, however, were caused by working machines. Most of the accidents on working machines among the interviewed minors occurred while the worker was operating the machine, but some were due to the accidental starting of the machine either by the injured workman himself or by a fellow employee. A few occurred from the breaking of machinery, and a few when the worker was oiling it while it was in motion. In almost all instances the accident occurred at the point of operation, but in several cases the injured workman was caught in the gears or other such parts. Although the Indiana accident report forms call for information as to whether or not the machines on which the accidents occurred were guarded and, if not, whether guards were possible, the majority of the employers of the interviewed minors failed to give any information on these points. When the injured minors were questioned, however, with the exception of several who were unable to give reports, they stated in each instance that the machines had not been guarded at the time of the accident although in several instances guards were installed after the accident. Complaints were also made in a number of cases that the machine upon which the minor was working when injured was defective and that after the accident had occurred, or (as was occasionally reported) after several accidents had occurred on the same machine, it had been repaired or replaced by a new one.

TABLE 34.—*Number of illegally employed boys and girls sustaining industrial injuries from specified type of machinery; Indiana, October 1, 1924–March 31, 1929*

Type of machinery causing injury	Minors sustaining industrial injuries from machinery		
	Total	Boys	Girls
Total	181	147	34
Working machinery	155	125	30
Metalworking	52	47	5
Woodworking	30	30	----
Textile	18	3	15
Printing and bookbinding	11	9	2
Baking and confectionery	7	6	1
Paper and paper products	7	6	1
Meat products	5	5	----
Canning	4	4	----
Laundry	2	1	1
Farm	2	2	----
Other	13	9	4
Type of working machine not reported	4	3	1
Hoisting apparatus	26	22	4
Elevators	19	15	4
Cranes and derricks	7	7	----

Among the girls in the record study, one-half of the accidents resulting from machinery, other than hoisting apparatus, occurred on textile machines, but among the boys the large majority were caused by metal and woodworking machines—almost two-fifths (38 per cent) by the former and slightly less than one-fourth (24 per cent) by the latter. Textile machines were responsible for one-fifth of the injuries from all causes to girls, and metal and woodworking machines for one-tenth of those from all causes to boys. There was little difference in the kind of machinery responsible for injuries to minors in the different age groups, as far as the limited figures on hand showed, but metal-working machines were responsible more often than any other kind of machine for injuries to minors engaged in prohibited occupations. Hoisting apparatus was responsible for the next largest number, but for only slightly more than one-half as many as metal-working machines.

Working machines.

Metal-working machines.—The metal-working machines responsible for the greatest number of accidents were buffing and abrasive wheels, punch presses, and drill presses. Of the 47 boys injured on metal machines, 15 were operating buffing and abrasive wheels; 8, punch presses; and 9, drill presses. Eleven different metal-working machines were responsible for the remaining injuries to boys. Of the 5 girls who were injured on metal machines, 3 were operating punch presses and 2 were working on buffing machines. Most of the injuries caused by metal-working machines were to hands and fingers, although in several instances eye injuries caused by emery dust or other flying particles were reported to minors employed on abrasive wheels. All the girls and all but 5 of the boys injured on metal-working machines were employed in manufacturing industries—largely in metal trades. Of the 5 minors employed in other than manufacturing industries, 2 boys were in transportation industries and 2 in trade; the industry in which the fifth was employed could not be ascertained from the records. Three of these were injured on emery wheels, 1 on an arbor press, and 1 on what was reported as a cutlery machine. None of the injuries occurring on metal machines proved fatal, but 7 of the 52, a higher proportion than was due to any other type of machinery, were known to have resulted in permanent disability; all 7 resulted in amputations of fingers. Furthermore, of the 23 injuries known to have resulted in temporary disability of definite duration, 5 were known to have incapacitated the worker for 28 days or more. Punch presses were responsible for the permanent injuries in three instances; grinding machines in two; and a bushing press and drill press in one each. A larger proportion of the illegally employed minors injured on metal-working machines than of those injured on any other type of machinery, except farm machinery, as to which no conclusions can be drawn,[26] were found to have been engaged in occupations prohibited them because of their hazardous nature.

Slightly more than one-fourth of the illegally employed minors injured on metal-working machines during the period of the study were included among those interviewed. From the standpoint of

[26] Only 2 accidents to illegally employed minors on farm machinery were reported in the course of the study, and in each instance the employment was prohibited.

both frequency and severity of accidents metal-working machines were the most important of all machines upon which this group of interviewed minors were injured, being responsible for 15 of the 39 machine accidents and for 8 of the 19 accidents that resulted in permanent disability. The proportion of machine injuries due to metal-working machines was a little larger in this group of minors chosen for interviewing than in the group included in the study as a whole—about one-third as compared with approximately one-fourth. The largest number of injuries due to any one kind of metal machine (5) occurred on pnnch presses, although nearly as many (4) occurred on buffing and grinding machines. The remainder were distributed—1 to a drill press, 2 to foot-power machines, 1 to a milling machine, and 1 each to a wire-crimper and wire-winding machine. Of the foot-power machines, 1 was a battery-grid-trimming machine and the other a sheet-metal cutter. Of the two accidents to girls on metal-working machines, 1 occurred on a punch press and 1 on a buffing machine. As would be expected, almost all the minors injured on metal-working machines were employed in the metal industries, but one boy injured on an emery wheel was a member of an electric-railway construction gang; another, suffering a similar injury, was employed at grinding tools in a furniture factory; and a third, injured on a battery-grid-trimming machine, was working in an electrical-supplies factory. All but 1 of the 15 injuries occurring on metal-working machines were to hands or fingers, but one girl, working on a buffing machine, suffered a broken wrist when loose threads on the glove which she was wearing caught on the spindle of the machine and drew her hand over the wheel. Seven of these 15 injuries resulted in permanent partial disability—5 in amputations of fingers and 2 in stiffened joints.

The majority of the boys and girls interviewed reported that they had been employed at the machines on which they were hurt, or similar ones, for at least two months prior to their accident and were, therefore, thoroughly familiar with them. But one boy reported that he had been employed only two days and another that he had been working only a day and a half when his accident occurred. Neither felt that he had failed to receive proper instructions regarding the operation of the machine or sufficient supervision. One girl and one boy claimed that they had been put to work on defective machines. The girl was working on a punch press, and according to her statement the hammer was insecure and descended before she had pressed the pedal and while she was adjusting her material. This girl reported that previous to her accident another worker had received a minor injury in the same manner, and several months later a third worker lost a finger on the same machine. When the girl interviewed was injured, the manager refused to accept responsibility and accused her of looking out of the window while operating the machine, but after the third accident the machine was discarded and a new one installed. The second machine in question was a buffing machine, and according to both the injured boy's and his employer's report of the accident the spindle that holds the wheel as it revolves, and which is hollow, was not capped as it should have been. In some manner the boy's fourth finger was caught in it as it revolved and wrenched off.

Among the minors included in the study as a whole, slightly more than one-fourth of those injured on metal-working machines were employed in occupations prohibited them by law, but among those interviewed only 2 of the 15 so employed were working in prohibited occupations; both were boys—one 16 and one 17 years of age—and both were employed on abrasive wheels.

Woodworking machines.—All accidents due to woodworking machinery (30) occurred to boys. Of these the largest number (10) occurred in connection with saws and the next largest number (7) in connection with sanders. Three of the injuries sustained on woodworking machines were known to have resulted in permanent disability. Of the 18 injuries due to this type of machinery known to have been only temporary, 3 incapacitated the worker for 28 days or more. For the most part injuries due to woodworking machines occurred to hands and fingers, and consisted largely of lacerations, cuts, and crushes. Only 2 of the 30 minors injured on woodworking machines, as compared with a little more than one-fourth of those on metal-working machines, were held by the industrial board to have been engaged in prohibited occupations. One boy, only 15 years of age, was operating a milling machine, and another of the same age was off-bearing from a sticker machine.

Four of the 30 minors injured on woodworking machines were injured seriously enough to be included among those interviewed. The cause and nature of their accidents were as follows:

A boy, 16 years of age, employed as off-bearer on a drum sander in a furniture factory, caught his left hand in the gears of the machine when a fellow employee started it while the boy was oiling it. He was injured so seriously that it was necessary to amputate his second and third fingers just above the second joint.

Another boy, 17 years of age, also employed in a furniture factory, was injured while attempting to oil a wood lathe while it was in motion—a hazardous operation prohibited minors under 18 years of age. His hand slipped and was caught in the lathe tool, with the result that the left index finger had to be amputated at the third joint.

A third boy, also 17 years of age, employed in a machine shop, was injured while operating a circular saw. He got his hand too near the saw and his right index finger was cut. A few days after the accident infection set in, and the finger became permanently stiff. No information as to whether this machine was guarded was given in the report received from the employer, but according to the minor it was not.

A fourth boy, 17 years of age, lost the tips of the second and third fingers of his left hand while operating a joiner. Fortunately the bone was not affected, so the injuries were less serious than the others due to this cause, but the boy was totally incapacitated 52 days. The machine, according to the minor's statement, was not guarded.

Textile machines.—Textile machines were the cause of injuries to 18 minors, all but 3 of whom were girls. All the girls and 1 of the 3 boys were employed on power sewing machines.[27] The second boy was operating a strip machine in the cutting room of a clothing factory, and the third was a spinner in a hosiery mill. None of the minors employed on textile machines, so far as actual ages could be determined, was under 16 years of age, and all but 3 were 17. Injuries from textile machines were less serious than those caused by metal and woodworking machines. None, so far as the

[27] According to the Standard Cause Code (see footnote 25, p. 169) clothing machines are classified under textile machines.

records showed, resulted in permanent disability, and only 2 in temporary disability of 28 or more days. All illegally employed minors injured on textile machines were working in violation of the certificate provisions of the law; none was found in a prohibited occupation.

Other working machines.—Machines other than metal working, woodworking, and textile caused 55 of the 155 accidents due to working machines. The most important among these in severity of the accidents caused were baking and confectionery and meat-products machines.

Although baking and confectionery machines were responsible for only 7 injuries to the minors included in this study, 2 were known to have caused permanent disability and 3 to have resulted in temporary disability of 28 days or more duration. One girl, reported to be 17 years of age, caught her right hand in the rollers of a dough moulder, mashing the second and third fingers, the latter so severely that a 15 per cent loss of use resulted; a boy, reported to be 16 years of age, lost the little finger of his right hand while operating a bread-cutting machine; another boy meeting with an accident similar to that of the 17-year-old girl after having been at work only one day suffered a lacerated and fractured hand that incapacitated him for 52 days and caused severe suffering. Still another boy, 17 years of age, was disabled 29 days, due to bruised and fractured fingers incurred when he caught his hand in a pie-crust roller while employed in a bakery.

Likewise, of the 5 injuries caused by meat-products machines, 4 were sufficiently serious for inclusion in the number interviewed; 3 of the 4, all due to power-driven meat grinders, had resulted in serious permanent disabilities, and the fourth had resulted in temporary disability of 35 days. The 4 boys injured in this manner were employed in retail stores, 2 as regular meat cutters and 2 as delivery boys and general helpers. Three were 17 years old and the other was 16 years. All accidents on meat-products machines occurred on power-driven meat grinders and were occasioned by the worker attempting to force the meat into the worm gear with his fingers. To prevent such accidents wooden paddles should be used, but the temptation to press the meat down with the fingers is great. Furthermore, the four minors interviewed reported that they had never been instructed to use a paddle. Only one escaped permanent injury. The ends of his fingers were badly mashed, incapacitating him for five weeks, but the bones were not injured and eventually he recovered completely. Of the other three, one lost the second finger of his left hand at the second joint; another the index, second, and fourth fingers of his right hand at the second joint and the third finger at the base; and the third lost four fingers on his left hand, the first three at the second joint and the fourth just above that joint.

So far only one State, Pennsylvania, has recognized the danger of serious accidents on power-driven meat grinders by prohibiting the employment of minors under 16 years of age on them. That the danger is not generally recognized is probably due to the fact that such accidents have been few in comparison with those due to other causes. But the severity of those occurring in Indiana, and

the almost certain chance of their resulting in permanent disability, would seem to demand some sort of precautionary provisions not only for workers under 16 years of age but also for those under 18 years, as is evidenced by the fact that all but one of the minors injured on such machines in Indiana were 17 years of age.[28]

Of the 43 remaining accidents caused by working machines, those sufficiently serious to make it desirable to interview the injured minors occurred on a printing press, a kraut cutter in a cannery, a collar press in a laundry, a power corn sheller in a retail feed store, a knotting machine in a spring-cushion factory, and a subgrader in use by a road-construction company. Most of these accidents occurred while the injured minors were operating the machinery, but one was the result of machinery being started accidentally by a fellow employee and one was caused by the minor attempting to oil the machinery while it was in motion. Two—one in the kraut factory to a 15-year-old boy and one in the spring-cushion factory to a 16-year-old girl—were relatively slight. The other accidents were more serious, resulting either in permanent disabilities or in temporary disabilities of from 7 to 12 weeks. The operator of the power corn sheller (a 15-year-old boy), putting his hand in the hopper to clear it when it became clogged, got his fingers too near the worm gear and lost his right index finger at the first joint. The accidents on the printing presses in which one worker (a 15-year-old boy) got his hand caught in the press while operating it, and the other (a 16-year-old boy) got his hand caught in the gears while oiling the machine in motion, resulted in two permanently flexed fingers in the first instance and in the amputation of the left index finger in the second. Of the temporary disabilities, the most serious was that occurring on the subgrader; this occurred not to the operator of the machine but to a fellow laborer, aged 16, in the gang who was assisting in turning it. While he was so employed the operator lowered the scraper without warning and it fell on his foot, cutting through his shoe to the bone. He was disabled for 12 weeks. A 17-year-old girl, employed in a laundry as operator of a collar press, was disabled for 7 weeks when the press descended accidentally and crushed her left index finger.

There were two cases of prohibited employment in this miscellaneous group of machine workers. A 16-year-old boy was hurt while oiling a printing press while it was in motion—hazardous work that is specifically prohibited minors under 18 years of age under the provisions of the child labor law; and a 15-year-old boy was injured while operating a corn sheller—an occupation informally held by the State industrial board to be in violation of the law for minors under 18 years, under the general clause " dangerous to life and limb."

Hoisting apparatus.

Hoisting machinery caused 26 accidents, 4 to girls and 22 to boys. Nineteen were due to elevators and seven to cranes and derricks.

[28] Recent models of this machine, built so as to make it less likely for the fingers to reach the worm gear and prevent such accidents as described, are now on the market. The life of a machine is relatively long, however, and employers will not readily scrap a usable model that can be operated with safety provided proper precaution is taken. So, until the old model has been universally discarded and the new one proven to be satisfactorily safe, minors should be protected from any possible risk of such accidents.

Injuries occurring in connection with cranes and derricks were usually the result of the worker being struck by the cable or load, and those in connection with elevators, with his being caught between the car and floors or doors. Although minors under 18 years of age are specifically forbidden to operate hoisting machinery of any kind, a 17-year-old boy was operating a crane, and five boys and four girls, all 16 or 17 years of age, were operating elevators, either as their regular occupation or as a necessary means of performing other assigned duties. The remainder injured on elevators were riding as passengers when hurt. None of the accidents from hoisting machinery resulted in permanent disabilities, but elevators were responsible for one of the three fatalities and for three injuries involving a comparatively long period of convalescence.

Six of the twenty-six illegally employed minors injured on hoisting machinery during the period of the study were included among those interviewed. All were boys, and all were 16 or 17 years of age. Five were injured on elevators and one was injured while employed around a derrick. The latter, a 16-year-old boy, working as a laborer with a bridge-construction company, was struck by a steel bar that fell against him when the hoisting chain with which it was being raised broke. Two bones in his right leg were broken midway between knee and ankle, and he was totally disabled for 10 weeks. Of the five boys injured on elevators, four were operating them when hurt, although only one was doing so as a regular occupation. The other three were employed in occupations that required them to go from floor to floor and were operating the elevators for their own transportation. One of the five elevator accidents, that of a boy whose hand was injured when the cage door fell in, was comparatively slight, disabling the worker for a period of only three weeks; but of the other four, one caused instant death, one temporary disability for a period of six weeks, another temporary disability for slightly more than four weeks and the fourth temporary disability lasting between two and three months. The fatal accident occurred to a 17-year-old boy employed as a messenger for a commercial messenger company. He was caught in some unknown way in the door of an electric elevator while attempting to deliver a package to the upper floor of an office building and killed instantly. The second accident occurred to a bell boy in a hotel who fell through the elevator shaft to the basement (one flight below) when attempting to enter the elevator that he had left but which had been taken to another floor in his absence. The hall in which the elevator stood was not well lighted and the door to the elevator shaft, though closed, was not provided with a lock as it should have been. The third accident occurred to a boy who was carrying merchandise from one floor to another in a department store. He slipped and had his arm drawn in between the elevator floor and the wall of the shaft, suffering injuries that incapacitated him for about three months. The fourth of these accidents occurred to a bundle boy in a laundry who used the elevator as a means of carrying heavy bundles of laundry from one floor to another. It was an open-shaft elevator without doors or guards of any kind, and without realizing it, the boy was standing with his right foot protruding over the edge of the platform. As the elevator rose his foot was

caught between the elevator and the floor above and was badly crushed.

ACCIDENTS NOT DUE TO MACHINERY

Vehicles.

More than four-fifths of the 117 vehicular accidents, all of which occurred to boys, were due to motor vehicles—automobiles, trucks, and motorcycles. (Table 36.) Fifteen were due to bicycles, 5 occurred in connection with steam cars, and 2 occurred in connection with mine and quarry cars. Injuries due to bicycles were the result of falls and collisions, and those in connection with steam cars were caused by the worker being caught between and under the cars. In the case of motor vehicles, cranking was the most frequent cause of injury, causing practically one-half of all such injuries. Forty-six per cent of the vehicular accidents occurred to boys in manufacturing industries, 30 per cent occurred to those employed in trade, and 18 per cent occurred to those employed in transportation. A little more than half of the minors injured by vehicles were employed as drivers of trucks or other automobiles or as helpers on trucks. As would be expected, as such a large number of the accidents were due to cranking, fractures and sprains, chiefly of arms, wrists, and shoulders, were the most common injuries resulting from accidents due to motor vehicles, but 1 of the 3 fatal accidents occurring to illegally employed minors in the period of the study occurred to a 17-year-old boy who was driving a delivery truck for a neighborhood grocer and instantly killed by a passenger train at an unprotected crossing. None of the vehicular accidents resulted in permanent disability, but the proportion resulting in a comparatively long period of temporary disability was exceptionally high. Of the 65 injuries in which the period of disability was known, almost half (30) incapacitated the worker for at least 28 days. Moreover, 2 of the 6 accidents occurring within the period of the study that were known to have resulted in disabilities of 3 months or more were caused by motor vehicles.

TABLE 35.—*Number of illegally employed boys sustaining industrial injuries from specified type of vehicles; Indiana, October 1, 1924–March 31, 1929*

Type of vehicle causing injury	Boys sustaining industrial injuries from vehicles	
	Number	Per cent distribution
Total	117	100
Automobiles and other motors	95	81
Cranking	47	40
Collisions	14	12
Struck by or run over by	10	9
Overturning	9	8
Other	15	13
Bicycles	15	13
Falls from	10	9
Collisions	5	4
Steam and electric cars	5	4
Mine and quarry cars	2	2

Eight of the thirty-nine illegally employed minors included in the study known to have been under 16 years of age—the same proportion as were injured by machinery—were injured in vehicular accidents. Among those 16 years of age the proportion injured by vehicles was slightly higher (22 per cent as compared with 19 per cent), whereas among those 17 years of age it was lower (15 per cent as compared with 25 per cent). As employment to drive a motor vehicle on the public roads is considered illegal for minors under 18 years of age (see p. 156) and as this occupation can not easily be given on the accident report in such a way that the illegality of the employment is not self-evident, a larger proportion of the minors (38 per cent) injured from this cause than from any other one cause were found to be employed in an occupation prohibited them when injured.

Thirty-three of the minors interviewed were injured by vehicles. Motor vehicles (chiefly automobiles, but in two instances motor cycles) were responsible for 27 of these accidents. Bicycles were responsible for injuries in only 3 instances, steam cars in 2, and electric cars in 1. Fourteen of the accidents in connection with motor vehicles were due to cranking, 7 to collisions, 2 to overturning, 3 to the worker being caught between a building and a moving truck, and 1 to the worker falling from a truck. Bicycle accidents were due to falls in two cases and to a collision in one. Those in connection with steam cars were due in the one instance to the worker falling from a moving train, and in the other instance to his being caught between the couplers of two cars. The one accident caused by an electric train occurred when the worker got his foot caught between the guard rail and a moving car.

More than half of the minors in this group injured in connection with motor vehicles (10 of the 12 employed in trade, 4 of the 10 connected with manufacturing industries, and 3 of the 5 in other kinds of employment) were driving trucks or other motor cars at the time they were injured. Of these, one was not regularly employed as a truck driver but was driving in an emergency; the remainder, however, were regularly so employed. Of the minors injured in connection with motor vehicles but in occupations other than driving, 4 were helpers on trucks, 2 were passengers on their way to assignments of work, 1 was a mechanic in a garage, and the others were laborers working around cars and trucks. A large proportion of the minors injured on motor vehicles (11 of the 18 employed as truck drivers, 3 of those employed as laborers, and the 1 garage worker) were hurt while attempting to crank the car. The three minors injured on bicycles were all messenger or delivery boys. The three injured in connection with steam and electric cars were laborers.

Among the minors interviewed, permanent disabilities did not result so frequently from vehicular accidents as from machine accidents—only 2 of the former as compared with 18 of the latter being of that serious a nature—but temporary disabilities due to vehicular accidents appeared considerably more serious and involved longer periods of disablement than did those due to machinery. None of the machine accidents causing temporary injuries were serious enough to lay up the worker for as long as three months, whereas 6 of the vehicular accidents resulted in periods of disability ranging from three months to one year. The less serious ones—incurred for the most part while cranking—consisted largely of sprains and fractures,

to arms and wrists in particular. The more serious ones, which resulted from automobile collisions, except for the 3 accidents due to steam and electric cars, consisted chiefly of bruises and fractures to all parts of the body, concussions of the brain, and internal injuries. Among the more serious accidents were the following:

A 17-year-old boy, a laborer in the employ of the city, was caught between the couplers of two coal cars which he was unloading and was so badly crushed that his pelvic bone was broken in five places and his internal organs severely injured. He was totally disabled for a long period and suffered permanent partial disability.

Another 17-year-old boy, employed as a laborer in a brick and tile plant, caught his left foot between the guard rail and the electric transfer car used for hauling clay from the clay pit. It was so badly crushed that he was completely incapacitated for 96 days and permanently crippled.

A messenger boy, 16 years of age, collecting mail from various offices belonging to the company by which he was employed, was knocked from his bicycle by an automobile. He suffered a concussion of the brain, a wrenched back, and body and head bruises. He was incapacitated for five months, and in the next few years was obliged to return to the hospital twice for corrective operations.

A 17-year-old boy, a helper on a truck, was assisting in unloading bottles onto a platform. As he stood on the ground between the platform and the truck, the driver backed his machine and pinned him in. Both his hips were badly bruised, and he was injured internally. He was incapacitated for three months.

A 17-year-old newspaper reporter was riding with a friend on his way to cover a football game for a local newspaper. The car in which he was riding collided with another that had failed to obey traffic signals. The boy suffered a broken rib, a punctured lung, a dislocated knee, and many cuts and bruises.

There was little difference among the minors interviewed in the proportion of each age group injured in vehicular accidents, one-third of those 16 and 17 years of age and 2 of the 9 under 16 years of age having been injured in this manner. As was to be expected, a larger proportion of the interviewed minors suffering vehicular accidents than of those suffering accidents from other causes were employed in occupations prohibited them.

Handling objects.

Accidents due to handling objects were frequent, 181 occurring to boys and 15 to girls. (Table 37.) The majority (63 per cent) were caused by heavy objects, and were the results of strain in lifting or of the objects falling on the worker while they were being lifted, loaded, or unloaded, or of the worker getting jammed between such objects. Almost one-half of the injuries resulting from these accidents were cuts and bruises, but 14 per cent were strains. The cuts and bruises, as a rule, were not serious in themselves, but because of their apparent insignificance they were apt to be neglected and in numerous instances infections developed that caused serious complications. Although accidents from handling objects were not, in general, so serious as machine accidents, 3 of the 196 injuries sustained from this cause resulted in permanent disability and 12 in temporary disability of 28 days or more. All the permanent injuries, two of which resulted in amputation of fingers and the third in a crippled leg, occurred in connection with the lifting or loading of heavy objects. Injuries caused by handling objects occurred in about equal proportions to minors of all age groups and were not con-

fined to any one industry or occupation. Only a small number of those suffering such injuries (6 per cent) were found in prohibited occupations; most of these were truck drivers.

TABLE 37.—*Number of illegally employed boys and girls sustaining industrial injuries from handling specified objects; Indiana, October 1, 1924–March 31, 1929*

Objects handled	Minors sustaining industrial injuries from handling objects		
	Total	Boys	Girls
Total	196	181	15
Heavy objects	123	118	5
Dropped in handling	61	59	2
Caught between objects	40	39	1
Strain in handling	22	20	2
Sharp objects	60	51	9
Glass	19	17	2
Slivers	10	7	3
Sheet metal and sheet-metal objects	6	6	----
Nails or tacks	4	4	----
Wire	5	5	----
Others	16	12	4
Hand trucks	3	3	----
Others	10	9	1

Of the 181 boys and 15 girls injured as a result of handling objects, 12 boys and 1 girl were included among the minors interviewed. Only 8 of these suffered serious injuries, none of the others having been incapacitated for as long as 28 days. Infections frequently resulted from accidents due to this cause, and 3 cases of hernia were reported. The former developed from bruises and punctures; the latter were caused by the strain of lifting heavy objects. Two of the three cases of permanent partial disability occurring among the minors in this group were due to infections. A 17-year-old boy working his way through school as a delivery boy for a meat market dropped a heavy keg of pickles on his right thumb. The bruise was slight but infection developed and amputation at the second joint became necessary. Another boy, 16 years of age, employed after school hours as a helper in a neighborhood grocery, bruised his right index finger when he caught it between two boxes while loading a wagon. Within a few days infection developed, and the bone had to be removed at the third joint. Two of the three cases of hernia were reported by boys and one by a girl. One of the boys, a salesman in a store, was injured in lifting a heavy box from a shelf. The other, employed on a wire-stranding machine in a wire and rubber company, was hurt when attempting to lift a filled reel from the machine. The girl, a waitress in an ice-cream parlor, received her injury from lifting an ice-cream freezer.

As in the group as a whole, injuries from handling objects occurred to minors of all age groups among those interviewed and were not confined to any special industries. One 15-year-old boy was in a prohibited occupation, being employed in a bowling alley, an employment that is specifically prohibited minors under 16 years

of age. The others were violating the certificate requirements of the law only.

Stepping on or striking against objects.

Injuries due to stepping on nails or other sharp objects and to striking against objects were relatively frequent, 80 such occurring in the period covered by the study—77 to boys and 3 to girls. Only 5 of the illegally employed minors injured in this manner were included among those interviewed. Although a large proportion of these injuries were not serious, 20 of the 39 (all for which the resulting disability was known) not having exceeded in duration the 7-day waiting period, 1 resulted in permanent disability, and 4 resulted in temporary disability of 28 days or more. As would be expected from the manner in which they occurred, the greater number of the injuries were cuts, punctures, and lacerations, and they occurred most frequently to feet and toes. Some of them were slight in themselves but became serious as infection developed. One such case is particularly to be noted. A 17-year-old boy hurrying to get into a truck, in order to drive it out of the way of an approaching train, struck his shin on the running board of the machine and bruised the bone. Several days later blood poisoning developed, and he was totally disabled for five months. At the time he was interviewed, a little more than three years later, the injured spot still festered from time to time.

Injuries from stepping on or striking against sharp objects appeared to be somewhat more common among the younger workers than the older. Seven per cent of those known to have been 17 years of age were injured in this manner as compared with 11 per cent of those known to have been 16 years of age and with 8 of the 39 known to have been under that age. Almost all workers are exposed to accidents of this nature in the course of the day's work, so that, as would be expected, injuries of this kind were not concentrated in any one industry or occupation but were scattered through many.

Falls of persons.[29]

Falls were responsible for injuries to 75 of the illegally employed minors included in the study. They caused approximately one-tenth of all the accidents to boys included and about the same proportion of those to girls; and they occurred in all age groups indiscriminately. A large number, almost one-third, were falls from scaffolds, ladders, and stairs. The injuries resulting were most frequently fractures or sprains of arms and legs, but three cases of hernia were reported. So far as the records in the industrial board show none of these caused permanent disability, but 5 of the 39 for which information as to the extent of disability was on file in the industrial board, and 3 others for which information was obtained through interviews with the minors themselves, resulted in the minor being temporarily disabled for at least 28 days. In four instances the injuries were particularly serious. A 16-year-old boy employed as a water boy for a building contractor was incapacitated 59 days with a broken ankle, the result of a fall from a scaffold. Another boy,

[29] Other than falls from vehicles or into elevator shafts, which have been classified under injuries due to vehicles and to hoisting apparatus.

reported to be 17 years old, working independently as a carpenter, suffered a hernia from a similar accident, and was obliged to undergo an operation that incapacitated him for 68 days. A third boy, 17 years of age, was confined to his home eight weeks with a fractured ankle when, employed as a general laborer for a building contractor, he fell from an inclined plank along which he was pushing a wheelbarrow filled with concrete. A fourth boy, also 17 years of age, employed as a pipe-fitter's helper in a wholesale house, was confined to the hospital six weeks and to his home an additional three weeks with a fractured vertebra and a broken ankle incurred when he fell from a scaffold on which he was working.

Other causes.

The remaining injuries to minors illegally employed were caused chiefly by hand tools, which were responsible for 58 accidents; dangerous and harmful substances, responsible for 52 accidents; and falling objects, responsible for 25 accidents. Of these three causes, dangerous and harmful substances (which included flames, chemicals, molten metals, hot compounds, and other hot fluids) were the cause of the most severe injuries, some of which were the most serious of all those reported in the course of the study. Seven of the minors injured in this manner and the parents of an eighth were included among those interviewed by the bureau representative. From the records on file in the industrial board and the information obtained in the course of the interviews, it was ascertained that at least 1 of the accidents from dangerous and harmful substances resulted in death, 2 in serious permanent disability, and at least 7 in temporary disability, varying in duration from 4 to 14 weeks. The one fatality was reported to the industrial board as the result of the explosion of a flat-work ironer in a laundry, but it was stated by the parents that the accident was in reality due to the explosion of a steam boiler. One of the accidents resulting in permanent disability was caused by a gasoline explosion; a 16-year-old truck driver attempting to draw some gasoline from the tank of his truck was badly burned on hand, arm, and side when the gasoline became ignited in some unknown way. Blood poisoning developed, and he was incapacitated for a period of two years and left with a 45 per cent loss of the use of his right arm. The second accident of this kind was that of a 16-year-old girl who was badly burned on her side and arms when a gas heater at a soda fountain where she was employed exploded as she was attempting to light it. She was under the care of a physician for three years, and at the time of the interview her right leg was crippled and one arm was completely useless. All the 7 serious temporary injuries were burns—4 caused by hot compounds, 1 by gasoline, 1 by acid, and the other by hot metal. Two of these cases were grave. One was that of a roofing helper, 16 years of age, who was hit by a bucket of hot asphalt, dropped by a fellow worker, and knocked from the roof on which he was working; he was so badly burned on the arms and legs that he was unable to work for more than 14 weeks. The other was that of a 14-year-old boy who was helping to install cables for a telephone company. As he was crossing a ditch with a bucket of hot compound the bank of the excavation caved in, carrying him with it, and he was so severely

burned on the hands and arms from the compound that he was incapacitated for nine weeks.

Injuries from hand tools, the majority of which were caused by knives or other implements glancing or slipping, and occasionally by flying particles set loose by tools, resulted in two cases of permanent disability and in two cases of temporary disability that were known to have lasted four weeks or more. Of the two boys permanently injured, one, 16 years of age, employed in a quarry, lost the sight of an eye when hit in the eyeball by a flying piece of rock, and another, 17 years of age, employed in a meat-packing plant, lost one phalange of the middle finger of his left hand from an infection that developed from a knife cut.

Injuries from falling objects, so far as could be learned from the records of the industrial board and from interviews with three of the injured minors, resulted in one case of permanent disability and in two cases of comparatively serious temporary disability. The first case was that of a 17-year-old boy who was working for a newspaper firm. A discarded shaft of a printing press jarred loose as he was passing and fell on him, knocking him to the floor and crushing two fingers so seriously that they had to be amputated at the third joint. The second case was that of a boy of the same age, employed with a forging company, who was disabled for five weeks as the result of a "tote" box falling on his foot and fracturing his toe. In the third case a 16-year-old boy was employed as a general helper around a fruit store. An iron door in the sidewalk fell on his foot, disabling him for four weeks.

The majority of the injuries from these three causes occurred to minors employed in manufacturing industries—slightly more than one-half of those due to hand tools and falling objects and three-fourths of those due to dangerous and harmful substances. One minor injured by hand tools and five injured by dangerous and harmful substances were employed in prohibited occupations. The former, who was 17 years of age, and two of the latter, who were 16 and 17 years of age, respectively, were truck drivers. Of the others, one, 17 years of age, was employed on a grinding machine; one, not more than 14 years of age, was a laborer employed in connection with excavation operations; and the other, 17 years of age, was cleaning moving machinery while in the employ of a construction company. A somewhat larger proportion of the boys than of the girls included in the study were injured by falling objects; the proportion that was injured by hand tools was practically the same in the two groups; but twice as many of the girls as of the boys received injuries from dangerous and harmful substances.

INDEMNIFICATION OF INJURED MINORS

INFORMATION OBTAINED FROM RECORDS

Although minors illegally employed were excluded from the benefits of the workmen's compensation act in Indiana, except from December 1, 1924, to February 1, 1926 (see p. 144), a considerable number of the minors included in the Children's Bureau study who were injured before and after this period received at least some indemnity. Sometimes this was paid and the receipts forwarded

to the industrial board at the same time as the initial report of the accident and the compensation agreement, so that the fact that the board had disapproved the agreement on the ground that the minor was illegally employed did not come to the knowledge of the employer until after the payment had, in fact, been made. Frequently, however, even though notified by the industrial board of the illegality of the minor's employment and his exclusion from the compensation law the insurance company or the employer, if self-insured, chose to indemnify the minor just as if he had been covered by the act and to obtain a common-law release from liability. Presumably the employer paid this indemnity to avoid the possibility of incurring heavier damages in a civil suit, and the insurance company did so either because it carried the employer's liability, as well as his workmen's compensation, insurance, or because it hesitated to antagonize the employer by turning the responsibility back to him. Moreover, in a considerable number of cases the compensation agreement between the injured minor and the employer or insurance company was approved by the industrial board just as though the minor had been legally employed, although so far as the records on file in the industrial board showed the employment was illegal. Not being notified of any illegality of employment, the insurance company or employer paid compensation believing that the minor was legally employed.

One hundred and forty of the 674 minors included in the study, exclusive of those injured during the period in which minors illegally employed were entitled to compensation, received injuries that were noncompensable, the period of disability not having exceeded the 7-day waiting period. Receipts on file in the industrial board showed that of the remaining 534 minors, 221 (almost two-fifths) received something by way of indemnity from the employer or insurance company. More may have received something, as it was learned later, in the course of interviews with the injured minors, that in some cases in which no receipt had been filed with the industrial board payments actually had been made. Of those minors from whom compensation receipts were on file, 10 who were injured prior to the 14 months in which illegally employed minors were compensated under the act, and 83 who were injured subsequent to that period, received compensation as though they were entitled to it under the act, the agreements between the employers and the minors having been approved by the board as if the employment had been legal. It is possible in the cases of the 10 minors injured prior to the time that illegally employed minors were compensated that the agreements did not come before the board for approval until after that provision was in effect, when, consequently, the minors would have been entitled to compensation. But the records give no evidence as to why the board took this action in the cases of the minors injured subsequent to that period. The remainder of the 221 minors from whom receipts were on file apparently received compensation either because the employer or the insurance company were in ignorance of the illegality of the employment or because they elected to pay it in the hope of avoiding the possibility of civil suits. Whether or not the injured received as much or less than they would have been entitled to under the law could not be determined from the information available. With a few exceptions, the amount for which

the injured minor receipted was practically the amount to which he would have been entitled under the law for the period of disability reported, but there was no way of determining whether the reported duration of the disability covered the entire period and not merely that part of it for which compensation was paid before the illegality of employment was discovered.

During the period that the provision covering illegally employed minors was administered, 148 accidents to illegally employed minors were reported to the industrial board. Of these, 21 were noncompensable as the period of disability did not exceed the 7-day waiting period, and 38 had never received the attention of the board, in most cases because the agreement between the injured minor and his employer had never been submitted. Of the 89 remaining cases, the board in approving or disapproving the compensation agreements submitted, signified that normal compensation was due to the injured minor in 47 instances and extra compensation in 23; in 19 instances it failed to recognize the minor's right to either. The reasons for the last action are not always clear, but in several instances at least, and perhaps in all, the case did not come to the attention of the board until after the administration of the provision of the law compensating minors illegally employed had been discontinued; at which time, of course, the board took no jurisdiction of such cases. Of the 23 minors for whom double compensation was approved, 9 were under 16 years of age and 10 were between 16 and 18 years and employed in prohibited occupations. The other 4 would seem to have been entitled to the single compensation, as they were between 16 and 18 years of age and violating the certificate requirements of the law only, but for some reason, not apparent in the records, the board approved extra compensation for them. Not all the minors for whom extra compensation was approved actually received it, however; the records showed that seven had received only primary compensation, and one only his full salary during the period that he was incapacitated. The latter amounted to more than primary compensation, but it did not equal double compensation. The boy's failure to receive the full amount, according to the statement of his employer, was due to the fact that he had become incensed when the employer discharged him after his recovery and had refused to sign a receipt for the extra amount when it was offered him.

The amount of compensation approved in the case of illegally employed minors included in the study by the industrial board during the 14 months that the extra-compensation provision of the law was in operation was $6,057.50, of which $1,235.19 was extra compensation. The largest amount granted any one minor was $1,423.13, that being double compensation for a 45 per cent impairment of the use of his right arm. During this period only one hearing involving a minor illegally employed was held before the industrial board. Applications for hearings were filed in two other instances, but before a date was set the administration of the double-compensation provision of the act had been discontinued.

INFORMATION OBTAINED FROM INTERVIEWS

Minors excluded from the workmen's compensation act.

Information obtained in interviews with minors illegally employed in Indiana showed that few minors excluded from the benefits of the

workmen's compensation law availed themselves of their right to sue for damages. Of the 83 [30] whose cases came before the industrial board prior or subsequent to the period in which illegally employed minors were considered to be covered by the workmen's compensation act, only 7 had instituted civil suits or taken steps to institute such suits and 7 others had employed lawyers who effected a compromise without going to court. Sixty-two of the 83 had received some indemnity or had been paid their regular wages; 20 had received no redress at all for their injuries up to the time they were interviewed, although 5 were contemplating suing; and 1 injury was noncompensable. Of the 62 receiving some indemnity or regular wages, 21 received less than they would have been entitled to had they been injured while legally employed, 23 received about the same, and only 11 received more; for 7 the amount was not reported. Surprising ignorance of their rights was revealed on the part of the minors and their parents. Almost one-third (36) of the minors interviewed stated that not until after their accident did they know anything about the workmen's compensation law or their right to institute civil suits. Twenty-eight knew only vaguely that "they ought to get something." The remainder, except for two from whom no information was obtained, were familiar with the provisions of the law as they applied to legally employed workers, but only one knew at the time of his accident that illegal employment affected his status under the law. Often they did not learn of it for two or three weeks, frequently even longer. A surprisingly large number had not known of their rights until interviewed by the Children's Bureau agent. Many employers and insurance companies paid compensation in the regular way and obtained common-law releases from liability. Frequently nothing was said to the injured minor regarding his illegal employment and the fact that it altered his right to compensation. (See p. 145.) Occasionally employers had explained that it was being paid in spite of the fact that the minor was illegally employed, but it was usually only when the employer or the insurance company had begun payments under the impression that the minor was entitled to compensation and had later discontinued them that the injured minor really understood his true status, if then. All too often he accepted the employer's statement that "That was all he had coming to him." Although, as has been pointed out above, the industrial board, when it finds that an injured minor has been illegally employed, notifies the employer that the minor does not come within the provisions of the workmen's compensation act, no notification that this is so is given the injured minor nor is he notified that he has any other legal recourse.

It was found in the course of the interviews that a number of the minors or their parents in their behalf had subsequent to the accident signed papers presented to them for signature. In some cases they stated that they had no idea what they had signed. Others knew that the papers which they had signed released the employer from further liability, but they did not realize what such action might

[30] This number included three minors who were injured in the double-compensation period but just prior to the time when the administration of that provision of the law was discontinued and whose cases came before the board for action after the administration had ceased. The board therefore assumed no jurisdiction of their cases and for all practical purposes these minors were in the same position as those injured subsequent to the administration of that provision of the law.

mean to them in the future. Believing themselves bound by the paper they had signed, they made no effort to obtain further indemnity for their injuries when later they learned that they were entitled to more than they had received or that their injuries were permanent instead of temporary. One boy had received indemnity for temporary disability (paid voluntarily by the employer), but his injuries had resulted in permanent disability. He stated that much to his regret he had signed a paper "releasing the employer from further liability" but at the time he did not know that he could have demanded larger indemnity because of permanent injury. This boy did not know until interviewed by the Children's Bureau agent that because he had failed to obtain an employment certificate he had been illegally employed and, therefore, was not entitled to compensation, but could have sued the employer for damages. Another boy who received some compensation from his employer but less than he would have been entitled to under the law stated that he had signed a paper releasing the employer from further liability in the belief that he had completely recovered and after the employer had given him another job at more than twice the wage he had been receiving when injured. Two weeks later, however, he was dismissed from the company's employ with the explanation that the job had been given him only during the temporary absence of the regular worker. Some months later complications resulting from his injuries developed which had necessitated two operations in three and one-half years. He realized that he should not have signed the release, but at the time he was so elated over his fine new job that he "would have signed anything."

Even when the injured minor was aware at the time of the accident or learned soon after of his right to sue at law, many difficulties appeared to stand in the way of obtaining redress through court action. Frequent complaints were heard regarding the difficulty of obtaining attorneys to handle cases on a contingent basis. In some cases there seemed to be practically no chance of the attorney ever receiving payment as, for example, when the minor had made a complete recovery and the injuries were not serious enough to insure a sufficiently large judgment, or when the employer appeared unlikely to be able to meet payment even if judgment were obtained. Some complaints were made of attorneys who were unwilling to take cases that involved action against employers who were influential in the community. Complaints were also made in several cases that attorneys who had accepted cases allowed them to drag on without action until the minor thought that they were "outlawed in the courts" or gave up all hope of a settlement and ceased to press the matter. On the other hand, sometimes the minor himself hesitated to assert his rights. He did not want to lose his position or feared to jeopardize the jobs of other members of the family. Sometimes, especially in small towns, he was afraid that if he sued one employer he would be "blacklisted" by other employers in the community, or that his father's business would be injured by arousing antagonism against the family. Several families, although they did not express their feeling quite so frankly, seemed to feel as did the father who told the bureau agent that he knew his son had been treated unfairly by his employer, but that after thinking the matter over he and the boy decided they would have to accept without pro-

test whatever was offered by way of indemnity as he (the father) had just started in business in the town and could not afford to antagonize the boy's employer, who was a well-established and influential man in the community.

Of the seven minors who instituted suit, or engaged lawyers for that purpose, all had received serious permanent injuries. Five proceeded against their employers and two against a third party directly responsible for their injuries. Only two of these suits, both instituted against the employer, had been settled at the time the minors were interviewed. In one, judgment was rendered for $500, and in the other, for $10,000. The first case, involving the partial loss of two fingers by amputation, was that of a boy 16 years of age employed without a certificate of age, who was injured January 12, 1926, approximately two weeks before the board had suspended operation of the extra-compensation provision. The insurance company had paid the boy the sum of $33 in four weekly payments before they learned of the suspension. Compensation was then stopped, and the boy was notified that he was not entitled to further payment. He sued the company by which he was employed and obtained judgment, but in the meantime the company had gone into the hands of a receiver and there was difficulty in collecting the award. Finally, upon the advice of his attorney, the case was compromised. The boy could not remember the exact sum received but thought it amounted to between $220 and $230. Part of this went to the attorney, and part was used to defray the expenses of guardianship papers. When all expenses were deducted only $185 was left for the injured boy, plus the $33 paid by the insurance company. Had he been covered by the compensation law he would have been entitled to $268.13 in primary compensation. The second case was that of a 15-year-old girl, also employed without a minor's certificate of age, who was severely burned when a gas water heater exploded. Her side was crippled and her right arm made useless. Of the $10,000 judgment $7,000 was awarded to her as recovery for damages and $3,000 to her mother.[31] Of the total amount, one-third went to the attorney. Moreover, the girl was confined to her bed for more than two years and underwent several operations in an effort to recover the use of her arm, and when all expenses had been paid only $1,000 of the $10,000 remained. The dramatic appeal in this case, however, may have affected the size of the judgment, the girl, not yet recovered from her injuries, being brought from a neighboring town to the county seat in an ambulance and into the court room on a stretcher to give her testimony. A less spectacular suit, though involving an injury quite as serious, might not have been so successful.

Of the seven minors who compromised their cases through their attorneys, three actually received, and a fourth may also have received,[32] as much or more than they would have been entitled to under the law. The circumstances of these cases were as follows:

A 17-year-old boy, who received a slight concussion of the brain, a broken collar bone, and multiple lacerations of the face and head in an automobile

[31] This amount was awarded the mother for loss of services of her minor child to which a parent is entitled under the common law.

[32] The amount of compensation this minor would have been entitled to could not be computed, as the degree of impairment resulting from his injuries was not reported.

accident which incapacitated him for approximately four weeks, and who would have received compensation of $21 under the act, effected a compromise settlement of $300 from the driver of the car responsible for his injuries. One-third of this was paid to the attorney, $45 to the doctor, and $31 to the hospital, and $124 remained for the boy.

Another 17-year-old boy, who lost two fingers of his right hand while operating a punch press, and who would have been entitled under the compensation act to $321.75, succeeded in obtaining a settlement of $529; $25 of this was paid to the attorney for his services, but hospital and medical expenses were paid by the employer.

A third boy, 16 years of age, who lost a part of four fingers of his left hand in the worm gear of a power-driven meat grinder, obtained a settlement of $900. Under the compensation act he would have been entitled to only $481.25. Medical care was furnished by the employer in this case but just how much of the indemnity had to be used to remunerate the attorney could not be ascertained.

A fourth boy, 17 years of age, permanently crippled as the result of a broken pelvic bone, which he sustained when crushed between the couplers of two freight cars while he was unloading them, obtained a settlement of $6,000 from the railroad. He had already received $112.50 from his employer and hospital and doctor's bills had been paid before it was discovered that though only 17 years of age he had been employed without a minor's certificate of age and therefore was not entitled to compensation. Of the $6,000 paid by the railroad, $2,000 went to the lawyer, leaving $4,000 that went to the boy. It should be noted, however, that in two of these cases the injured minors proceeded against a third party directly responsible for their injuries, a privilege that would have been theirs under the compensation law if they had chosen to elect it.[33]

Two of the three remaining minors whose lawyers effected a compromise settlement settled for less than they would have been entitled to under the law, one with the employer and two with the third party.

A 17-year-old boy, employed in a retail butcher shop, caught his fingers in the worm gear of a power-driven meat grinder, amputating one entire finger and parts of three others. Under the law he would have received $426 as compensation for his injuries, but the attorney was unable to effect a settlement for more than $232, of which $50 went to the lawyer and $42 for hospital and medical care. The father wished to sue the employer, but the lawyer was convinced that the employer was not able to pay more and dissuaded him.

The second boy, 16 years of age, who suffered a serious injury to his back and a slight concussion of the brain when his bicycle collided with an automobile, effected a settlement with the owner of the car for $100. Injured a few weeks prior to the date that the industrial board suspended operation of the double-compensation provision of the workmen's compensation act he had received $52 in compensation from his employer before payments were stopped. When he learned that he was not entitled to compensation he took steps to sue the driver of the car but later accepted the compromise settlement of $100. Settling as he did, his attorney's fee amounted to $50 and the hospital and doctor's fees of the initial injury alone were $55, so that, even with the $52 paid as compensation, when all expenses were paid there remained for the boy less than $47. Under the law he would have received $124.66 for the initial injury and would have been entitled also to additional compensation for two subsequent periods of disability growing out of the original injury.

The third case was that of a 17-year-old boy, employed as a messenger for a commercial firm, who was instantly killed while operating an electric elevator. The parents, through their attorney, made a compromise settlement with the owner of the building in which the elevator was located of $1,000, of which $150 was paid the attorney. Under the compensation law, had they been able to prove total dependency, they would have received $2,640.

---

[33] Indiana, Laws of 1915, ch. 106, sec. 13, as amended by Laws of 1919, ch. 57. This section is also in the present act, Laws of 1929, ch. 172, sec. 13.

In addition to the amount of compensation obtained and the expense to which the minor is put to obtain it, another factor must be considered in connection with the practice of excluding minors from the jurisdiction of the compensation law. That is the delay which necessarily attends such proceedings, a delay that often leaves the minor without income at a time when he most needs it. Of the nine minors who had received court awards or had effected compromises through their attorneys, six reported that they had waited at least five months before the matter was settled, and three that they had waited a year or more. Of the five whose suits were pending at the time of the interview, three had already waited between one and two years, and all had waited at least six months. One mother related a story of extreme hardship and great worry because the hospital and doctor were unwilling on the strength of her winning a suit for damages to risk caring for her daughter for an indefinite period without remuneration. She was finally obliged to take the child home when she was still in a precarious condition and call another physician. Sometimes, she said, they had hardly enough to buy the medicine from day to day.

Minors compensated under the workmen's compensation act.

The records of illegally employed minors injured in Indiana during the short period that the double-compensation provision of the workmen's compensation law was administered, show that at least as large a proportion of the minors received compensation for their injuries during that period as received payments when they were not compensated under the act, and without the expense and delay attending court proceedings. Of the 17 minors reporting as to the date that the first payment was received following their accident, only four had waited two months or more and none had waited more than four months. That the law was not even more effective was probably due in large part to the fact that no steps were taken by the industrial board to ascertain whether payment was actually made by the employer when it was due or to inform the injured minor of his rights under the compensation law, except in occasional cases when the employer protested the payment of the extra compensation to the board. Sixteen of the 33 illegally employed minors interviewed who were injured in Indiana during that period, all of whom were between 16 and 18 and not engaged in prohibited occupations, were entitled to primary compensation only (see p. 144), and 17, 2 of whom were under 16 years of age and the remainder of whom were employed in hazardous prohibited occupations, were entitled to double compensation. All but two of those entitled to primary compensation only received the full amount due them,[34] but of the 17 entitled to the extra indemnity, 7 received only the primary compensation and 5 received no redress whatsoever for their injuries. In some of these cases there were extenuating circumstances that prevented the payment of the compensation withheld. In three, owing to the fact that no investigation was made of the

[34] This number includes 3 minors who were injured during the period that illegally employed minors were entitled to compensation and who were still incapacitated when the board suspended operation of the double-compensation provision of the act. All of them received the compensation due them only up to the suspension of the amendment.

occupations in which the minors injured were engaged, it was not discovered by the industrial board that the minors in question were in prohibited occupations, and the board approved the agreement providing for primary compensation submitted by the employers without raising the question of extra indemnity. In another case the minor was injured only a short period prior to the discontinuance of the administration of the double-compensation provision of the law, and the agreement to compensate him was disapproved by the board because it provided for single instead of double compensation. The insurance company insisted that the double compensation act was unconstitutional and before any action was taken by the minor to obtain double compensation enforcement of the act was suspended. In a similar case, the employer refused to pay the extra indemnity, and the minor appealed to the board, but the operation of the double-compensation provision of the law was discontinued before a date could be set for a hearing. Of the minors who received no redress whatsoever for their injuries, one (in the employ of his father) elected to sue the third party rather than accept compensation, and through the alleged negligence of his attorney the case had not come to trial at the time of the Children's Bureau study. Several of the minors who failed to receive any compensation, or who had not received the full amount, had not known that they were entitled to it. Others knew that they were entitled to it but did not know how to proceed to obtain it when the employer refused payment.

METHOD OF PAYMENT

The Indiana workmen's compensation act provides that payments shall be made weekly, or, when required by the agreement for compensation or by the industrial board, semimonthly or monthly. In cases of permanent injuries to minors, the board is permitted to commute the compensation payments to a lump sum at any time. As a rule, both during that period in which illegally employed minors were covered by the compensation act, and prior and subsequent to that time, compensation payments and payments of indemnity were made in weekly or semimonthly installments, but in all cases in which indemnity was obtained through the court or by compromise settlements, in a few cases in which it was paid voluntarily by the employer, and occasionally when it was paid under the provisions of the act, the amount was paid in a lump sum. Of the 113 minors interviewed, 12 injured during the double-compensation period and 33 injured prior or subsequent to that period reported that they had received all or a considerable part of their indemnity in a lump sum. If primary compensation is paid in weekly installments, the amount received is less than, or if double compensation is paid it is only slightly in excess of, the usual weekly wage; but when a lump-sum settlement is made, the sum paid may be larger than any the minor, or even his family, has handled before. Twenty of the 45 illegally employed minors who received such settlements received $50 or more, 16 received $100 or more, and 4 received $1,000 or more. Of the last, one received $6,000 and another $7,000, not including $3,000 received by the mother. In most instances the money was spent with forethought and with the interests of the injured minor in view; in

others the injured minors were tempted to spend it thoughtlessly, or their families were overready to appropriate it for current household expenses or to tide themselves over emergencies. The following reports as to the disposition of the compensation received were made by 12 of the 16 minors who received lump-sum settlements of $100 or more.

A boy who had lost a part of the forefinger of his left hand received a settlement of $176, the injury having occurred at a time when illegally employed minors were not compensated for their injuries. A small part of this he gave to his parents and the remainder he spent for a secondhand automobile.

A boy who suffered a slight concussion of the brain and a serious injury to his back, when the bicycle on which he was riding collided with an automobile, effected a lump-sum settlement from the party responsible for his injuries. The accident occurred in the period in which minors illegally employed were covered by the compensation act and the boy had previously received compensation of $52 from his employer. Not realizing the extent of his injuries, however, he had signed a final receipt for the compensation received and a statement to the effect that the settlement had been satisfactory before he had actually recovered. A year after the accident, when complications had developed that disabled him further, being under the impression that he could not reopen his case as far as the employer was concerned, he approached the party responsible for his injuries and obtained a settlement of $100. A part of this he spent for clothes, and the remainder he used to defray his share of the family expenses in a later period of unemployment.

A boy who was injured during the period of double compensation, and from whose right index finger a part of the bone had to be removed because of an infection that developed from a bruise, received $110 for his injuries. The entire amount was deposited in a bank and at the time of the interview, four years later, was still intact.

A boy whose left index finger was amputated at the second joint received a lump sum of $148 in addition to a week's wages, which amounted to $12. The accident occurred at a time when illegally employed minors were not compensated under the law. Some of the money the boy gave to his parents, some he spent for clothes, and with the remainder he purchased a pig, which he later sold at a profit. The money from this investment was spent little by little for necessary personal expenses.

A boy who lost one entire finger and parts of three others in a power-driven meat grinder received $232 from his employer through a compromise settlement, the injury having occurred at a time when illegally employed minors were denied compensation under the compensation act. Of this amount, $32 went to a doctor, $10 to a hospital, and $50 to the lawyer who arranged the settlement for him; $25 was spent for clothes; and the remaining $115 was deposited in the bank. It was six months after the accident before the boy obtained a job. Little by little, when the funds of the family were low, the money was drawn out to meet current expenses, and a year later it had been exhausted.

A 16-year-old boy who lost parts of four fingers of his left hand received $900 as indemnity. His accident occurred during the period that illegally employed minors were denied compensation, and to be certain that his rights were protected his father engaged a lawyer to deal with the employer in the matter. A settlement was effected, and the father was appointed guardian. The money after the lawyer's fee had been paid, was deposited in a bank. Both the boy and his father were under the impression that this sum could not be touched until the boy had reached his majority. He had no plans for the disposition of the money when he received it.

A boy who was injured subsequent to the period during which the double-compensation amendment was enforced and who suffered a slight concussion of the brain, a broken collar bone, and severe bruises in an automobile collision compromised with the driver of the car that struck him, receiving $300; $100 of this sum went to the lawyer who handled the case, $76 went for hospital and doctor's bills, and the remainder was appropriated by the father for family expenses.

A 16-year-old truck driver received $1,423.13 as double compensation for severe burns that left him with a 45 per cent impairment of the use of his right arm. Of this amount, approximately $1,000 was received in a lump sum. A lawyer had been engaged by the boy's family to see that he received what he was entitled to under the law, and through his efforts a guardian was appointed to take charge of this money. The mother, realizing that she would not be able to resist the importunities of her son, was wise enough to refuse to act as guardian, and a stranger was appointed. Eighty-five dollars was paid to the lawyer and, according to the mother's statement, $100 to her for nursing care. The remainder was deposited in a bank. The boy stated that he had obtained small sums (he could not remember the amounts) from his guardian several times, but the larger part of the lump sum received was still intact at the time of the interview.

A 17-year-old boy, employed as a laborer, was badly crippled when crushed between the couplers of two freight cars. The accident occurred shortly after the board had discontinued enforcing the double-compensation provision. After paying compensation for a few weeks, the insurance company disclaimed responsibility because the boy had no certificate. Instead of suing his employer, the boy's father decided to proceed against the railroad. Through his attorney the boy obtained a compromise settlement from the railroad of $6,000. Of this, $2,000 went to the attorney and the remainder was invested in a garage, which the boy and his father managed. At the time the boy was interviewed, three years after the accident, the business was a prosperous one.

A 16-year-old girl, employed in a confectionery store, received burns that totally disabled her for three years, and that left her with a useless right arm. She was injured when illegally employed minors were not compensated under the workmen's compensation act. Suing her employer, she received a judgment of $7,000 and her mother $3,000 for loss of the services of her minor child. The mother, however, felt that the entire sum should go to the girl. After the attorney's fee of $3,333 and all medical bills and other expenses incidental to her illness had been paid only $1,000 remained of the $10,000 awarded to the girl and her mother. With this money the girl was taking a commercial art course. Her mother was determined that she should become self-supporting if possible so that she would be able to care for herself if she should be left without her family.

A 16-year-old boy, employed by a furniture company, lost parts of two fingers by amputation. Medical aid was furnished by the employer, and compensation was paid for four weeks by the insurance company, which suspended payments because the boy had been employed without a work certificate. The latter then sued the employer and obtained a judgment for $500, but as the company had gone into the hands of a receiver shortly after the boy's accident, the case was compromised. After payment of lawyer's fees and other expenses, the boy received about $185. The entire sum was spent for clothes and an automobile.

A boy, injured after the period in which double compensation was provided for minors illegally employed, lost parts of two fingers when the shaft of a printing press fell and hit him. He received $288.66 from his employer. Some of this was paid to him in weekly installments in lieu of salary, but at least $150 was given him in a lump sum. The sums paid to him weekly were spent as they came, but the larger amount was deposited in the bank, and at the time he was interviewed, almost two years later, had not been disturbed.

MEDICAL SERVICES

Although minors injured in the course of illegal employment were not entitled to medical attention at the expense of the employer, except during the 14 months that they were under the jurisdiction of the compensation law, the great majority of those interviewed (regardless of the period in which they were injured) received physician's services and hospital care when needed, at no expense to themselves. The period during which this medical service was furnished usually covered the entire period of their disability; it frequently exceeded the one month to which minors covered by the law were

entitled, and occasionally even exceeded the extra month in which such care could be extended at the discretion of the industrial board. In general, during the period in which minors illegally employed were not compensated for their injuries and therefore were not entitled to medical care under the law, if the employer paid indemnity (voluntarily or through ignorance of the minor's illegal status under the compensation act), he also, as a matter of course, assumed full responsibility for medical and hospital care. In the case of nine of the minors interviewed, the employer assumed full responsibility for medical care even when he refused to pay indemnity. The reason for the latter action was not apparent in the records, nor did the minors themselves know why it was done. Such care may have been furnished before the employer was notified that the minor was illegally employed; or the company, with which the minor was connected, may have employed a salaried physician, in which case medical care could be given without additional expense to the firm; or, again, the employer may have been unaware of the fact that illegal employment released him from the obligation of providing medical care as well as from that of paying compensation. Among the interviewed minors injured during this period (exclusive of those who elected to proceed against a third party for recovery of damages), only 4 reported that they had failed to receive any medical care from the employer, and only 10 that they had received only a part of that which was necessary. In the cases of the 4 minors who received no care the employer, in every instance, denied responsibility for both indemnity and medical attention; in one case suit for damages was pending against the employer. Of the 10 receiving part of their medical expenses all but 4 received attention for at least the one month that they would have been entitled to it under the law. Of these 4, 1 was not satisfied with the care she was receiving at the hands of the company physician and changed to her own physician. Her employer refused to reimburse her for the latter's charges. Another discontinued the services of the company physician before he was formally dismissed, and later when infection set in, he was ashamed to return, preferring to engage another physician at his own expense. The third received medical care for two weeks, until it was learned that he was illegally employed, and, therefore, not entitled to compensation or medical care. The fourth compromised with her employer and had to pay half the cost of her own care, because the employer refused to assume the full amount. Of these 4 minors, 2 received some indemnity for their injuries and 2 received none. Of the 6 minors who received at least as much medical care as they would have been entitled to under the law (but not all that was necessary), all but 1 received some indemnity from the employer.

During the period in which minors illegally employed were entitled to compensation, three of the interviewed minors failed to receive a physician's care, and hospital care when needed, for the full period of their disability. One of these received medical care, ultimately, for five months, a period much in excess of the maximum for which the minor was entitled under the law, but it was not furnished for the first two weeks of the minor's disability. In this particular case the employer refused to pay compensation also, and

the boy, ignorant of his rights under the law, did not press the matter.[35] In the second instance the employer refused to pay compensation, and denied all responsibility for medical care, on the ground that the boy was injured after regular working hours. The boy appealed to the industrial board for a hearing, but before it could be held the administration of the provision of the act covering minors illegally employed was discontinued, and the boy was not considered entitled to either medical care or compensation. He was contemplating suit against the employer at the time of the interview. In the third instance, the minor, ignorant of his rights, accepted considerably less than he was entitled to under the law, and he also paid his doctor's bill when the employer did not offer to do so.

The following case illustrates the unexpected hardships that may occur in individual cases to minors who are not entitled under the workmen's compensation law to payment for medical care and compensation:

An apprentice to a sign painter was receiving $2 a week while learning the trade. One evening when he was cleaning up after his regular working hours, the workmen having stayed later than usual, he fell against a window and cut his elbow, severing two arteries and chipping the bone. He was disabled for four weeks, and confined to a hospital for two. The employer refused to pay compensation or to give medical care on the ground that the injuries were not incurred in the course of the boy's employment, as the accident occurred after regular working hours. When the doctor pressed the boy for payment, the latter consulted a lawyer, who filed a claim for a hearing before the industrial board. Before a final date was set for the hearing, however, the administration of the double-compensation provision of the law was discontinued, and the boy was no longer entitled to indemnity under the compensation act. He refused to pay the doctor's bill, however, and almost four years later, just prior to his interview with the bureau agent, the doctor brought suit against him for the amount of the bill—$70 plus $10 interest. The boy again took up the matter with his attorney, and at the time of the interview the attorney was considering filing a suit for damages against the employer. In this case the attorney, who was a personal friend of the boy's father, had agreed to take the case without remuneration. Otherwise, the boy probably never would have been able to obtain a lawyer, as the amount of money involved was too small to make it worth while to handle the case on a contingent basis.

INDUSTRIAL, ECONOMIC, AND SOCIAL EFFECTS OF INJURIES

The seriousness of the injuries sustained by these illegally employed minors, the greater number of whom were dependent for redress upon the will of the employer or upon their success in bringing suit, can not be measured by the nature and the extent of the injury alone; but, to be evaluated properly, must be considered in relation to the individual—his temperament, his background, and his choice of occupation—and in relation to the degree of industrial and social readjustment necessary in his particular case. The loss of a little finger to one of the minors interviewed (see p. 211), a boy who had spent time, money, and his formative years preparing to become a professional violinist, meant a readjustment of his whole life—both mental and physical—whereas the same accident to the boy (see p. 206) whose ambition was to manage his own butcher shop meant only a temporary inconvenience so far as his work was con-

[35] In this case the employer at first refused to assume any responsibility for medical care or compensation, but after two weeks, when infection set in and the injury became serious, he did so, although he did not pay compensation at any time.

cerned. Several of the workers interviewed who had incurred permanent injuries that forced them out of the occupations that they had planned to follow succeeded in finding others in which the opportunities for advancement were equal, or even greater. More often, however, employers hesitated to engage workers handicapped with even slight disabilities, because of their increased liability to accidents and the chances of the second being more serious than the first. All too often they were obliged to take whatever job they could pick up, regardless of the type of work or the wage, and sometimes they experienced difficulty in finding anything at all. Few of the minors interviewed who were permanently disabled returned to school after their accident or entered training of any kind. In several instances their injuries had the opposite effect, and boys who had intended to return to school were prevented from doing so. Of the 30 minors interviewed who received permanent injuries, only 7—5 of whom were injured in vacation or after-school jobs—returned to school after their accident, and only 1 undertook vocational training. Opportunities for the latter, however, were lacking in the communities in which many of the minors lived, and the amount of indemnity received was frequently insufficient to allow them to take up such training had they wished to do so. It is true that the State board for vocational education offers to persons injured in industry free courses in vocational training; but as this board has no funds from which to furnish maintenance to such persons, this was of no help to minors unable to support themselves.

Even when the disability was slight or only temporary and there was no question of the minor's being permanently incapacitated for the job at which he had been employed when injured, difficulties were experienced. Complaints were heard of employers who waited until the minor had recovered from his injuries and the chances of suit were slight, and then dismissed him from his employ; usually they did so without explanation, although one employer frankly stated that the fact that the minor had had an accident made him an undesirable workman. Occasionally the employer placated the injured employee with the promise of a life-time job, or gave him higher wages for a few weeks, and then, when a release from liability had been obtained, dismissed him summarily. Of the 113 minors interviewed, 34 either could not return to their former jobs after their accidents or were dismissed soon after their return. Of the 87 regularly employed [36] for whom the length of time elapsing between their accidents and their return to work was known, 16 were without employment beyond the period necessary for the healing of their injuries, because they could not return to their former jobs and were unable to find another. The periods during which they searched for work ranged from 10 days to 9½ months. Of 69 (regularly employed) whose first wage following their accident was known, 13 (almost one-fifth) had been obliged to accept work at a lower wage, either because they were handicapped by their injuries or because they had been forced out of their jobs by their accidents and nothing else was open.

Lower wages and the loss of their jobs were often almost as serious for the injured minors as the accidents themselves, especially if

[36] Of the 113 minors visited, 7 were injured while working during their summer vacation and 8 while working outside school hours.

they followed a long period of disability for which no indemnity or only partial indemnity had been paid. A number of the minors interviewed were the only wage earners in their families, or were the chief wage earners, and the loss of their earnings necessitated drawing on scanty savings and borrowing from relatives or friends to tide the family over the emergency. Several instances were found in which debts contracted during the period of the minor's disability were still unpaid at the time the family was interviewed by the Children's Bureau agent from one to four years after the accident. Sometimes minors were forced to return to work before they were really able to do so because of the financial pressure, and their complete recovery was hindered thereby. In some instances the mother was obliged to take the place of the injured minor as the chief bread-winner of the family. Of the 28 minors interviewed who received no redress for their injuries, including both those injured during the period when minors illegally employed were excluded from compensation under the law and those injured in the 14 months that such minors were considered entitled to compensation, 7 lost more than $100 in wages, and an additional 6 lost between $50 and $100. In one instance the loss amounted to a little more than $300, and in another to more than $900.

Less tangible than the industrial and economic handicaps but often more difficult to overcome were the self-consciousness, the loss of confidence, the bitterness, and the despondency engendered in the injured minors by their disabilities. Frequently, also, when he had received no indemnity for his injuries and lost his job the minor was unconsciously hampered in his endeavors to make a readjustment by a feeling that he had been unfairly treated. It was difficult for him to understand why, when his employer had not demanded a working certificate or even bothered to ask his age, he should pay the penalty and the employer be held to no responsibility.

The difficulties faced by the injured minors are illustrated by a few case histories.

Robert, a boy who at the time of his accident was 15 years old, had been in a boarding home since he was 13, his father and mother having separated. His father, when ordered by the juvenile court to support him, did so unwillingly; and the boy, in order to obtain school books and clothes, worked at whatever jobs he could find outside school hours. His first job was caddying at a country club; then, as he grew older, he delivered packages for various neighborhood stores. The summer he was injured he had obtained work as a press feeder with a printing firm. This was during the period that illegally employed minors were excluded from the provisions of the compensation act. The employer did not ask him for a work certificate and he therefore failed to get one although he knew he should. Usually he worked from 7 a. m. to 6 p. m., but on the day of his accident a rush order for theater programs had come in, and his employer had asked him to return and work in the evening, although work after 7 p. m. is forbidden minors under 16 in Indiana. He objected because he had been working under pressure all day and was nervous and tired, but he gave in when his employer insisted. He left for supper at 6 and returned at 6.30. He had not been working more than an hour when the accident occurred. As he explained it, "You have to time the feeding of the machine by the slight vibrations of the plate, and unless you are alert every minute, you lose the vibration." Being tired, he did not time himself correctly and was slow in feeding, so that before he could withdraw his hand, the press came down on it, bruising and tearing the flesh but breaking no bones. The employer took him to a physician, but according to Robert's story first said to him, "You're a friend of mine, aren't

you? Well then, when you get to the doctor tell him you are 16." In return, according to the boy, he promised to report the boy's wages to the insurance company as $15 a week instead of $8, so that the compensation received would be larger.

Robert was disabled for three and one-half months and was left with a permanently crippled right hand. At the time of his interview with the bureau agent (more than three years later) he was unable to straighten the third finger. It and two others were much enlarged at the knuckle, all were scarred and stiff, and the hand tired easily. He stated that a physician had told him that he could relieve the stiffness with an operation, but that the cure would last only two years, and that then the operation would have to be repeated.

Until his employer mentioned it, and promised to look after it, neither Robert nor his mother had known anything about compensation, and not until questioned by the bureau agent did they know that the compensation act did not, at that time, cover minors illegally employed. Although they knew he was supposed to have a work certificate, they did not know it had any relation to his rights to compensation. Two weeks after he was hurt he received a check for a little more than $6; the following week he was given one for $11. He did not receive any more until five weeks later, when he was given a final check for $5. No explanation was made as to why he received no more, and he asked no questions, "being glad to get that." His father at that time was still paying for his room and board, his cousin and his mother gave him spending money now and then, and he had the $22 paid as compensation, so he managed to meet expenses.

In the fall, after his accident, Robert entered school with his arm still in a sling. Not until October was he able to work again. Then he obtained a job at a soda fountain in a drug store, where he worked after school and on Saturdays. In November, just after he was 16, his father refused to help him any longer, so he left school and worked full time, receiving $15 a week. He remained at the drug store for several months. He then found a job in a chain factory, assembling chains, at $19 a week. There he had another accident. A fellow workman called him to help raise a window. In doing so his hand slipped and broke through the glass, gouging a piece out of his left thumb. He was disabled for two months. When the question of compensation came up, it was discovered that he had given his age as 18 when employed, though he was only 17, and that he was working without a certificate of age. The employer became interested in him because he was helping his mother and decided to pay him compensation, although he was not entitled to it. He had to discharge him, however, as it was a rule of the firm not to employ minors under 18 years of age. He received $11 a week for eight weeks in compensation. In addition, he received $49 in accident insurance, so that during the time he was disabled he was getting more than he had been earning when working. All doctors' bills were paid by the employer.

After leaving the chain factory, Robert worked for a time in a hosiery mill "transferring hose." In this work he used a long steel needle with a fine hook at one end. The pay was more than he had been getting—$23 a week—but he was hampered by his disabled finger. It kept getting in the way of the needle, so that it was always "ragged" with pricks and snags. Finally he had trouble with the forewoman and was dismissed. He was out of work for three months, when he obtained a job on a metal-shearing machine in a machine shop at $15 a week. There he had his third accident. About half an hour after being shown how to use the machine, he failed to get his fingers out of the way of the knife quickly enough, and the tips of the second and third finger on his left hand were snipped off. He was given first aid and lost no time from work. At the time of his interview with the bureau agent he was working for a large milk company testing milk at $17 a week. He was enthusiastic about his work and thought there was much opportunity for advancement. He had just taken the examination for milk inspector and thought that he had done very well. He stated that his injured hand was a great handicap in finding work, because there were so many things that he could not do, but that in his present job he needed to use only his thumb and first two fingers, so that his crippled finger was no handicap.

Chester was injured on a dough-molding machine. He was 16 years of age, working without a certificate of age in a bakery. He was the youngest of six children, of whom all but himself and a younger sister had married and

left home. His father, a cabinetmaker by trade, had been suffering intermittently for a number of years with inflammatory rheumatism, and for several years before the study the mother had had to supplement his earnings by taking in a few washings. So long as the father was able to work even a little, nothing was demanded of the boy as he had never been strong; but when the father suddenly went blind and his earnings ceased altogether, it was necessary for the boy to find work. Although he was 16 years of age, his mother mistakenly believed that he was not old enough to be excused from school, so she suggested that he find work to do in his free hours. He obtained work in a neighborhood bakery after school and on Saturdays at a wage of $8 a week. His work usually kept him at the shop until midnight. He had no time off for dinner, but ate whatever there was in the shop. The mother realized that it was not good for him to be working such late hours and remonstrated with his employer several times, but from night to night he would send her word that it was absolutely necessary for him to have Chester's help this late. Finally she gave up remonstrating because the family was in such desperate circumstances that she could not run the risk of his losing his job. As soon as school closed in the spring, he was put on full-time work and his wages were raised to $15 a week. He still continued to work until midnight, however. While working part time, he had been given only light jobs—running errands, greasing and washing pans, and so forth—but the morning he began full-time work he was assigned to the dough-molding machine. This machine is built somewhat on the order of a mangle. It consists of two corrugated rollers, operated by electricity and controlled with a switch. The bread dough is fed into the rollers by hand and passes through onto a belt or table in the rear, being cut and molded as it passes through. Chester was feeding the dough into the rollers when injured. In some way his right hand was drawn into the rollers as far as the base of the thumb, mashing the bones in the first three fingers and lacerating the palm of the hand. The employer sent him to a hospital where he remained two days. He was under the care of a physician and was unable to work for five months. His forefinger was permanently deformed, the bones in all three fingers were flattened, and the palm of his hand was badly scarred. The hand was weak, and he had had to train himself to use his left hand. Chester stated he had been instructed properly in the use of the machine but that it was not guarded, which made it an easy matter for him to get his fingers too near the rollers.

Chester was injured when illegally employed minors were not compensated for their injuries, and neither the boy nor his mother thought anything about compensation when he was hurt. He was working without a minor's certificate of age. Both the father and an older brother had suffered industrial accidents and received compensation, but the mother was too worried at the time to remember it. Two or three weeks after the accident the employer called on Chester and not realizing that he was not entitled to compensation because he was illegally employed, advised him as to what he thought his rights were under the workmen's compensation law. It was approximately nine weeks before he received any money. He was then given $53 in a lump sum and told that "that was all he had coming." He did not know whether this came from the employer or the insurance company. He wondered at the time why he did not receive compensation as long as he was under the doctor's care, but he did not inquire. He admitted that he had been working without a minor's certificate of age, but stated that he did not know that he needed one for work outside school hours, and that he had carelessly postponed getting it when he started full-time work. He did not know, until interviewed, that because of his failure to get the certificate he had no rights under the compensation law.

The accident left the mother the sole wage earner for the family, with two invalids to care for. The younger child, a girl still in school, could do little more than help with the housework, so the mother doubled the number of washings she had been doing, and went out by the day, increasing her earnings from $6 to $8 a week to $10 or $12.

Chester's doctor's bills were paid by the employer, but there were constant bills to be met for the father. The mother stated that sometimes they had two meals a day but frequently only one. They would never have been able to pull through, she said, if she had not, just at the time of the accident, "fallen heir to a small estate" which she applied on the house they were buying, thus relieving them of paying the usual monthly installments.

After his hand had healed, Chester hunted three weeks before he found a job as messenger boy for a drug store at a wage of $10 a week, $5 less than in his

previous job. At the end of a year he was laid off, and after having hunted work for a month, took a job in a greenhouse at $9 a week. After about a year this employer reduced his wages because of "hard times," so he left and found work as a stock clerk at $15 a week. About a month before his interview with the bureau agent he had been laid off, but he was expecting to be reemployed shortly at this last job.

Mary, a 16-year-old girl employed without a minor's certificate of age after the period when minors illegally employed were considered entitled to compensation, was instantly killed when a steam boiler exploded in the laundry in which she was working. She had obtained her job through friends and, although her employer had not questioned her as to her age nor asked for a working certificate, she knew that her friends in soliciting the job for her had told the forewoman that she was 18 years of age. Her mother had objected to her being a party to this deceit, but the family were in straitened circumstances and the girl being anxious to work had overruled her objections. At the time of her death the employer notified the undertaker that he would pay for the funeral; but when the bill was presented, he refused to pay it, having learned in the meantime that he was not liable under the compensation act as the child had been working without a certificate of age and was thus illegally employed. The family then consulted a lawyer and put the case in his hands to institute suit. They did not know when interviewed what arrangements had been made nor for what sum he intended to sue. In his first report to the industrial board, before he had learned of the illegality of employment, the employer had stated that "liability was being denied on account of nondependency, pending investigation." The mother stated, however, that Mary had left school because her earnings were needed at home, as the family was having an extremely hard time making ends meet. Besides the father and mother there were six children, of whom the deceased was the second oldest. The father and an older brother were working, but irregularly, and their combined earnings amounted to only a little more than $15 a week. Two weeks after Mary was killed the father met with an accident, and during the time that he was unable to work the son's wages were the only income.

On the death of his father, John, 16 years of age at the time of the accident, left school in order to help his mother support the family. The mother was the only wage earner for a household of five and was earning only $12 a week. Through a relative, employed in the same place, John obtained a job washing dishes in a restaurant, at $10 a week. He was employed on the night shift from 5 p. m. to 12 a. m. He did not have an age certificate. Although he had been required to furnish a minor's certificate of age in previous jobs, his employer did not ask for it, so the boy "did not bother to get it." On the day of his accident he had been working only a short time when he ran the tine of a fork into the side of the first finger of his right hand, near the nail. It hurt for a time, but gradually the pain subsided and he continued to work through the night. Infection set in, however, and the next day he was unable to work. By the end of the week the infection had reached the elbow and his mother became frightened (his father had died of blood poisoning) and sent him to a physician. The physician reported that the hand was in a serious condition and would require prolonged attention, and he advised the mother to ask the employer to furnish medical care. Though John was injured during the period that minors illegally employed were compensated for their injuries the employer denied all responsibility, and the mother, timid and knowing nothing of the boy's rights, let the matter drop. A day or so later, however, her sister, working in the same place, told the employer how serious the case was, and becoming alarmed the latter sent word to John to go to the "company doctor." John was under this doctor's care for five months, a period much longer than was required by law. At the end of that time he returned to work for one week—in the place of his aunt who was ill—and was then discharged. The employer paid all doctor's bills but refused to pay compensation. Under the law John should have received primary compensation of $112.37, in addition to medical expenses for at least one month and for two months at the discretion of the industrial board.

After leaving the restaurant, John was unable to find employment for 10 months. He then obtained a job as elevator operator in an apartment hotel at $12 a week. He held that for two and a half years. At the time of his interview with the bureau agent he was working as a porter in a barber shop, where he received no wages other than tips. The week previous to the interview these had amounted to $10. His injured finger was permanantly stiff and could be bent only at the joint near the palm. The boy did not feel, however, that it interfered with his work nor prevented his obtaining better work.

Although his parents wished him to attend high school, George, who was 16 years of age when injured, left as soon as he had passed the compulsory school age and went to work in his uncle's coal mines, at $12 a week. From the time he was a small child he had been in the habit of accompanying his uncle on the wagons or about the mine, and as soon as he was old enough he had done odd jobs there during his summer vacations. His first regular job was the one at which he was injured, nine and one-half months after he had started to work. He was employed as a weighman on the tipple of the mine; that is, he weighed and dumped the coal as it was hoisted from the inside of the mine. The process of dumping consisted in pressing two levers that controlled the coal car. In pressing these levers he bruised his right palm. He paid little attention to it at the time and continued his work, operating the levers with his left hand, but at the end of the week blood poisoning developed and he was sent to a doctor, who ordered him to stop work. He was disabled 40 days and suffered a great deal of pain. The arm became infected to the elbow, and at one time they feared the forearm would have to be amputated. The injury occurred when minors illegally employed were not covered by the compensation act; and according to the records of the county attendance officer, a minor's certificate of age was not issued to George until 17 days after the accident. However, no question was raised in regard to compensation (both George and his father were familiar with the general provisions of the workman's compensation law); the insurance agent called about two weeks after the accident and checks came regularly every two weeks for six weeks. In all, the compensation received amounted to $31. The insurance company also paid the doctor's bill.[37]

Soon after George's accident his father broke his ankle. At that time the family were buying the farm on which they were living, and the father and George had been doing the farm work as well as working steadily at the mines. Too poor to hire help, the mother and daughter—the latter just over 16—cared for the invalids and the house and looked after all the outside work, milking and caring for the stock. In addition, the mother made butter and sold it in order to obtain enough cash to keep them going until the father and George could get back to work.

Peter, the oldest of eight children, left school at the end of the term following his sixteenth birthday. The family lived on an isolated farm back in the hills and was extremely poor. For a number of years the father had been unable to work, but he had managed to run the farm with the aid of the boys. Their income was meager, however, and the family had looked forward eagerly to having regular wages come in. Opportunities for work are scarce in such isolated communities, and it was not until the fall after he had left school that the boy obtained his first job—driving a truck for a local lumber mill. This was an occupation prohibited minors under 18 years of age, and Peter had no minor's certificate of age. No one had ever told him to get one, he said, neither his employer nor the school authorities, and none of the family "had ever heard of such a thing." He had been working about one month when he was hurt. He had made an early start alone with a load of lumber to a town 40 miles away. When a considerable distance from home the engine stalled and in attempting to crank it he broke his right arm. A passing

[37] Some time previous to this accident George had been disabled for three weeks when hit in the eye with a piece of flying coal. At that time he had received medical care but no compensation. A report was sent to the insurance company but nothing ever came of it. He did not know why and never took up the matter with his uncle.

car took him into town where he had the arm set. Too sick to walk, he crawled into an old car in a garage and stayed there until his father came into town and found him. The arm "healed crooked" and a deep depression appeared where the break occurred. It was still weak at the time of the interview, and the boy often complained of its being tired and aching.

Hurt during the period in which minors illegally employed were compensated under the workmen's compensation act, Peter was entitled to double compensation as he was employed in a prohibited occupation. But he knew nothing about his rights in the matter. In fact he knew nothing about the workman's compensation law at all until after his accident, when the insurance company paid him a lump sum of $37.80 and told him that was all he was entitled to. (In reporting the accident to the industrial board the employer, an uncle, had stated that the boy's parents were dead but that he knew him to be 18 years of age.) During the time Peter was disabled the family managed to "get by because they had to," although at that time he was the only wage earner in a family of 10. He returned to his old job when able, but the work was irregular and as winter came on gave out altogether. In May of the following spring he obtained a job as a "laborer for the town," but that entailed lifting heavy sacks of creosote and he found them too heavy for his weak arm. However, he struggled along with this job for three weeks, then found temporary work driving a truck for a road-construction company. At the time of his interview with the bureau agent he was driving a school bus, but this gave him work only during the school year. Realizing that Peter would never be able to do heavy work, the mother and father were contemplating selling the farm and moving to the city where he would have more opportunities for finding light work.

James, the second oldest of 11 children, left school unwillingly in order to "help out" with the family expenses. The father, elderly and partly disabled as the result of an industrial accident, was not able to do much more than odd jobs, and James and an older sister had long been the chief wage earners in the family. Even before he was 14 he had worked during his free hours at various jobs, and a few months before he reached his fifteenth birthday had obtained steady employment after school and on Saturdays at a retail meat market—the same job at which he was injured two years later. His employer did not ask him for a work certificate, and he failed to obtain one. His hours of employment were long and he worked hard, leaving home usually between 4 and 5 in the morning. Often it was so dark that he was afraid to start out, but he had to be on the job early in order to take in the milk and "get a good start on the work" before school. After school he sometimes worked as late as 8 or 9 o'clock. His wages were $6 a week, all of which he gave to his mother. Though eager to finish high school he found that he could not keep himself clean and properly clothed and still give his mother as much of his wages as she needed, so he gave up his plans and left school just before he had finished the seventh grade. He continued at the same job, doing full-time work, and his wages were raised to $10 a week. At that time his father was doing no work and his sister's wages of $6 a week were the only other income in the family. As he grew older James was given more and more responsibility until two years later, at the time of his accident, when he was only 17 years of age, he was doing practically everything about the shop—even cutting meat. His accident occurred when he was grinding sausage in a power-driven meat grinder. While so employed, his employer's wife "hollered" at him, and, without stopping the machine, he turned to hear what she was saying. Intent upon listening, he let his right hand get too far into the machine and four fingers were ground off—the first, second, and fourth to the second joint, and the third to the palm of the hand. He had presence of mind enough to turn off the switch or he would have lost his entire hand. The employer called a physician, and he was taken to a hospital, where, according to his mother, he was placed in a private room. General hospital fees and the hospital doctor's fee were paid by the employer; the family had to pay $10 for the private room, and $32 to the doctor for visits to the home after the boy had left the hospital. (He was in the hospital one week.) Fortunately he carried accident insurance, from which he received $60, which paid the above bills and left a small sum for current expenses in lieu of his wages.

James was injured subsequent to the period that illegally employed minors were compensated for their injuries under the workmen's compensation act.

and the day after the accident an unknown woman visited the family, explained that she had read of his misfortune in the paper, and urged the father to go with her to a lawyer. Neither the father nor mother knew anything about his rights under the law, so they were glad to do as she suggested. The lawyer to whom she took them agreed to institute suit against the employer on a contingent basis—his share to be one-third of the judgment. Nothing more was heard from him until five months later, when he called the father to his office for a conference with the employer, at which time he advised him that the employer had nothing and that it would be best to make a compromise settlement. A sum of $150 was finally agreed upon, the employer, in addition, to pay the lawyer's fee of $50 and to refund to the father the $32 paid to the doctor. The settlement was not satisfactory to the family, but the lawyer advised them to take it, and there seemed nothing else to do.

At the time of the interview the mother did not know that the fact that the boy was employed without a minor's certificate of age had prevented his being compensated under the workmen's compensation law. She did not think the boy was aware of it either. James was unable to work for six months. During this period the family had a difficult time. They frequently had to borrow food, but they managed to scrape along without getting into debt. With the money obtained from the employer James bought clothes to the amount of $25. The remainder he put in a bank, but he was obliged to draw on it during periods of unemployment so that it was soon exhausted. After he was able to go to work, he searched three months before he could find anything to do. Employers hesitated to hire a boy with a crippled hand, and the work he could do was limited. He at last obtained a job delivering for a bakery at $10 per week. He remained at this work for a year, then gave it up because working conditions were unpleasant. He immediately found a job hauling coal, but it gave out after two months. Unable to find anything else he returned to the bakery. In nine and one-half months, however, unhappy with the treatment he received, he again left. After hunting unsuccessfully for work for two weeks, he went to another city where at the time of the interview he was employed at a "place where they manufacture rags." His mother thought that he sorted rags. He was earning $3.50 a day, but work was so irregular that he averaged only about $15 or $16 a week. He sent his mother $5 a week—all that he could spare while he was not living at home. The family were feeling the loss of his wages. The father was unemployed; the oldest daughter earned only $10 a week; the mother averaged $3.50 a week doing day work; one girl, still in school, earned $2 a week; and a boy, also in school, earned odd amounts. Altogether the weekly income amounted to only about $20.50 a week, and 10 members of the family were at home. The mother had always depended upon James more than upon any other member of the family, and she was discouraged knowing that he would always have to take poor jobs at low wages. James, too, was discouraged at his outlook for the future.

For 10 years, beginning soon after his father's death, Harry, who was 17 years of age at the time of the accident, had been working outside school hours and during his vacations, first at carrying papers and then as delivery boy for one shop or another. When hurt he had been employed without an age certificate for about eight months in a butcher shop as both delivery boy and sales clerk. His accident occurred during school vacation when he was working full time, making $15 a week. At the time of his accident he was helping another boy carry a keg of pickles to the front of the shop, and in setting it down he jammed his thumb. He paid no attention to this injury and continued to work for two weeks before it began to bother him. The first indication that something was wrong was a soreness at the tip which persisted. After he had complained of it for several days the employer sent him to a physician. An X-ray revealed an infection of the bone. The physician ordered him to stop work and for two weeks struggled to save the thumb, but finally said that it would have to be amputated. Upon this decision, the mother took Harry to her family physician; he corroborated the other physician's diagnosis and amputated the thumb at the second joint.

At the time of the accident neither the mother nor Harry knew about compensation, but his employer told him about it and promised to take care of the matter. Harry had received two checks amounting to $17.60 when he was notified by the insurance company that he was not eligible for compensation:

because he had been employed without a minor's certificate of age. Had he been legally employed he would have received $264 for his injury. The mother stated that they did not know that they might have sued at law; they simply considered that Harry had been at fault in not having a certificate, and that therefore he must pay the penalty. The employer paid the first doctor and the mother the family physician. The latter's charges were small and were covered by the compensation Harry had received before payments were stopped.

From the time of the accident until Christmas the boy was unable to work. For about two weeks the thought of being crippled "just about took the life out of him," but after that he "picked up" and gradually stopped worrying. He returned to school and finished high school the following spring. At the time of the interview—about 16 months later—he had been offered a job in a meat market at $25 a week, and had accepted it "just marking time until he decided what he wanted to do." He had learned to use his hand without awkwardness, and to hold it with the thumb bent so that his crippled condition was not noticeable. He handled knives and tools without difficulty or danger to himself.

A widow with five children took Henry, her 17-year-old boy, out of school in order that he might go to work to help support the family. It was during an industrial depression and three older children and a son-in-law who were living with the family were unemployed. They were unable to find work, but the mother had succeeded in obtaining a job for the younger son as water boy with a road-construction company. The mother consulted the attendance officer before the boy left school, but instead of issuing him a minor's certificate of age, as he should have done, the attendance officer simply wrote a letter to the mother to the effect that he had taken the matter up with the juvenile judge and that they had decided her son "might go to work but that he must not be found loafing around the village." Thinking this was a bona fide working certificate, Henry had presented it as such to his employer, and the latter had accepted it in good faith. The boy had not been employed very long before he was injured. One day a truck belonging to the company was standing on the track of a private branch railroad that ran to a near-by mine. The engineer of an engine that was switching back and forth signaled Henry, the only person near, to clear the track. In his hurry to climb into the truck he struck his shin against the running board. He paid no attention to it at the time and continued to work through the day. That night he complained of his leg being sore and the next morning was unable to get up. Having no money for a doctor, the mother applied home remedies, but he grew steadily worse and on the third day, having learned from neighbors that the employer would be held responsible, she notified the employer of the boy's condition and asked him to send a doctor. No doctor came. She waited two more days. By that time Henry was in terrific pain, begging and pleading for a doctor. On the morning of the third day she again sent word to the employer that she wanted a doctor. At 3 o'clock in the afternoon none had arrived so she tried once more. This time the employer sent back word that if she wanted medical attention she would have to take the boy into town, 5 miles away, and he gave her the name of a physician. With the help of a neighbor she got Henry to the doctor who diagnosed the case as blood poisoning and sent him immediately to the hospital. He was there for 22 days. After his release he made seven or eight trips into town for treatment, hiring a car at a cost of $1.50 a trip, to pay for which they were obliged to borrow money.

While her son was still in the hospital, the mother had received word that an agent of the insurance company was in town and wanted to see her. When she called upon him, the agent explained the provisions of the law and told her that the boy was not entitled to compensation because he had been employed without a certificate of age, and she learned for the first time that the letter from the attendance officer was not a regular certificate. He explained also that the boy could sue his employer but advised that it would probably cost more than they would receive. A month later the mother approached the employer, but he flatly refused to do anything for them, even to pay the doctor or the hospital. Later, however, after the doctor threatened suit, he paid this bill. The hospital bill was still unpaid at the time of the interview. Some of her friends advised the mother to sue, but others warned her that it would cost more than she would get out of it. One friend told her that she could always find a lawyer to help her in the courthouse at Terre Haute. But the trip to

Terre Haute cost about $3, and when she did not find a lawyer on the first trip, she became discouraged and let the matter drop.

From October 21, when Henry was injured, until April 1, when he returned to work, the family had a difficult time. The brothers were unable to find work all that winter, and the sole income of the family was $5 a month ($1.25 a week), which they received in groceries from the county agent. "Sometimes they had food and sometimes they didn't." Being in such straitened circumstances, the mother was obliged to make Henry go to work before he was really able to go. In April, five months after his accident, he found employment as a farm hand at $1.50 a day. At the same time his two brothers found work but their wages were low, and the combined income of the family was never more than $27 a week.

At the time of the interview with the bureau agent the mother stated that Henry's leg had not yet healed. Twice since the original injury he had hurt it, and both times blood poisoning had developed. Only one of these injuries was incurred in the course of employment. About nine months after his first injury he was kicked by a horse while working for a farmer, who was also a contractor. He was disabled about two and a half weeks and received medical services and $7 indemnity. The boy continued to work on farms at $1.50 a day and at other odd jobs, wherever he could get work, for almost three years after his accident. He then found work in the mines in a neighboring State at $37 a week. Formerly, when doing farm work he had "had to lay off every once in a while to rest his leg," but since he had been in the mines he had worked regularly for several months without a lay-off. There was still an open sore on the leg, however, and the mother lived in fear that the limb would have to be amputated.

Sixteen-year-old Joe had sold newspapers and performed such other odd jobs as he could find outside of school hours from the time he was 10. Beginning work at a time when the family were having a struggle financially, due to a prolonged illness of the father, he had continued after the need was over. His home adjoined an ice-cream factory, and whenever they were short-handed they called him in to help. The mother stated that he was always "crazy to earn money," and whenever they sent for him he was always "on the job." Finally he began playing truant from school in order to work at the factory. She "soon put a stop to that," but the foreman of the factory kept urging him to help them and he was so anxious to work that when he had reached his sixteenth birthday she allowed him to leave school and work full time. He was assigned then to regular work, driving the delivery truck. His wages were $23 a week. His hours were irregular—he had to make night deliveries as well as day. He had no working certificate because he had been unable to obtain a birth record, and he had taken it for granted that the authorities would not issue the certificate without one. His mother did not know how he had obtained a driver's license, but she supposed his employer had managed it. Neither she nor the boy knew that truck driving was an occupation prohibited minors under 18 years of age. He had been working about five months when hurt. A circus was in town on the day of the accident, and the factory had supplied the concessions on the circus grounds with ice cream. He and an older man were detailed to pick up the empty cans when the circus "broke up." They attended the performance and afterwards, about 11 p. m., started gathering the cans. In their rounds they reached a stand at which the lights were dying out, and the owner begged them to give him enough gasoline from their truck to keep them going until the crowd dispersed. With the permission of the older man, Joe crawled under the truck and was drawing gasoline from the tank, when it suddenly exploded, ignited, it was thought, from a discarded cigarette. Caught under the truck Joe was severely burned before they could get him out and smother the flames. His right side, back, arm, and hand were so badly burned that they were a mass of raw and charred flesh. He was taken immediately to the hospital, but after a week the doctor informed the mother that he had developed bronchitis because of the neglect of the nurse, and that if pneumonia set in he would die. The mother, much alarmed, took him home, and a trained nurse was engaged at the expense of the insurance company. Infection developed and for weeks he was delirious with pain. His condition became so bad that the mother and nurse could not care for him, and he was finally taken

to another hospital, where he began to improve at once. He was in the hospital eight weeks, but it was seven months before the bandages were removed from his arm and side.

Joe was unable to work for a year and five months. According to the accident report in the files of the industrial board, he suffered a 45 per cent impairment of the use of his right arm. The fourth finger of his hand was slightly flexed and the fifth so much so that it almost touched the palm. The doctor advised amputating the latter in order to give a better use of the hand, but Joe had already suffered such agony that he could not endure the thought of the amputation. The injury occurred during the period that minors illegally employed were treated as if entitled to double compensation for their injuries, but there was some controversy over the settlement as the doctors could not come to an agreement on the degree of impairment sustained. The mother became worried and engaged a lawyer to look after Joe's interests. At his suggestion all parties agreed to abide by the decision of a third doctor. The above decision was the result and Joe received double compensation amounting to $1,423. The mother did not wish to act as guardian, fearing she might be too lenient and allow him to "use up the money," so another person was appointed and the money was paid directly to him. All hospital and doctor's bills were paid by the insurance company. The mother received $100 for nursing care, which she understood came out of the boy's compensation. She paid the lawyer $85, and the doctor who was called in to settle the controversy, $25. She could not remember whether or not the insurance company had reimbursed her for that. At the time of the interview, neither the mother nor the boy knew how much money he had left. He had drawn small amounts from time to time, but they had kept no account.

When talking with the bureau agent, the mother stated that she did not know what they would have done had it not been for the compensation and medical care Joe received. He had always helped with the family expenses, and she had come to count upon him almost as much as upon his father. While he was disabled, she and two of his sisters had scarlet fever and his father was in a hospital suffering from an industrial accident. The compensation "just about saved their lives." Two weeks after his accident the employer called and informed the mother of the compensation; three weeks after the accident the boy received his first check for $12, and for 31 weeks thereafter he received the same amount regularly every week. At the end of that time the remainder was paid in a lump sum. In spite of the compensation, however, Joe's illness increased their debts to almost $500.

At the time of the interview the family were having a hard time. The father had been out of work for three weeks and Joe was averaging only three or four days' work a week, driving a truck for a building contractor. In order to make ends meet the mother had rented her upper rooms and the family of five had crowded into four downstairs rooms. Since his accident the boy has not been able to find anything he could do except truck driving. He has tried several times to get work in a machine shop in which he could learn a trade, but the foreman had refused to employ him on account of his hand. When he was injured he had half decided to return to school, but by the time he was able he had fallen so far behind his class that he gave up the idea. When interviewed he had learned to use his maimed hand skillfully and depended upon it rather than training himself to use his left. It tired easily, however, and he often came in from work and asked his mother to rub the knuckles because they pained him. Although he was not morbid about his deformity, he was extremely sensitive and would not dance nor take part in any form of recreation in which it became conspicuous.

Carl, an only child, left school to go to work because his stepfather's earnings were irregular and his mother often had to go out to work to supplement the family income. From the time he was 14 he had worked after school and during summer vacations to keep himself in clothes and to buy school books. After leaving school he was employed in various minor jobs in grocery and drug stores for about a year but finally obtained a job as a pipe-fitter's helper with a large wholesale firm. He had obtained a minor's certificate of age for one of the earlier jobs but had not reclaimed it when he had left employment, and as his new employer did not ask him his age nor mention a work certificate, he did not bother to return for it. About two weeks

after starting work on this job at the age of 17 years he and his foreman were engaged in repairing some overhead pipes on the ground floor of the building where trucks were passing in and out. The scaffolding from which they were working was supported at one end by a ladder propped against the wall. Another helper had been stationed there to guard it, but in a short interval, when he had been called away, a truck passing under the scaffolding knocked against the ladder, causing it to slip. Carl, feeling it slip, started to run across the plank to safety, but he lost his balance and fell to the floor, 20 feet below. He was taken to the hospital where the doctor reported that he had sustained a fractured vertebra and a broken right ankle He was in the hospital six weeks and in a cast almost eight. He was unable to return to work for nine weeks. All hospital and doctors' bills were paid by the company.

Neither Carl nor his mother knew anything about the compensation act. (He was injured during the period that illegally employed minors were compensated under the law.) He first learned about compensation from some men in the hospital who were also suffering from industrial accidents. In the meantime friends had informed the mother and had warned her not to sign any papers that might be brought to her "lest she sign away the boy's rights." The third day after the accident the insurance adjuster visited Carl in the hospital and asked him to sign some papers that he might receive his compensation. At first he refused, but when a second adjuster came—an old friend of the family—he signed. He did not know what he signed but feared that it might have been a release from liability for the employer. His compensation, amounting to $10.56 a week, was brought to him at the hospital regularly every two weeks for eight weeks, beginning the second week after the accident.

That was all he ever received from the company, although he was permanently crippled. His ankle was stiff, he could not kneel easily, and it was impossible for him to stoop low. He limped slightly and turned his foot in when walking. When he returned to work he could not return to his former job, so he was given some clerical work in the office. His rate of pay was the same as before he was injured, but the amount of overtime possible was less, so that he earned only $20 instead of $24. He had held the clerical job for about two months, when he was put to weighing meat, in which job he averaged about $20 in the winter and $22 in the summer. After three and one-half years—just prior to the interview—he had received no increase in wages, so he resigned and obtained a job as a sales clerk with a chain grocery store. He received only $20 a week at the time of the interview but was hoping eventually to become a manager. He stated that because of his injuries he had been handicapped in his choice of employment, that he could not do heavy or hazardous work, and yet he had no training for anything but unskilled work. At first he was unable to do heavy lifting, but at the time of the interview he was able to manage fairly well and was becoming less and less conscious of his difficulties. Carl was pleased with his job in the store and hoped that it would offer him real opportunities, as he was married and had a wife and child to support.

Less than two years after his accident and while still employed with the wholesale firm, Carl went to the industrial board to inquire if it would be possible to obtain further compensation on the grounds of permanent disability. By that time, however, the administration of the double-compensation provision of the law had been discontinued, and he was no longer entitled to compensation because his age certificate had not been filed with his last employer. The board informed him of his rights to sue and advised him to take the matter up with his firm. Before taking further steps, however, he consulted an attorney, a friend of his, who advised him that if he decided to bring suit he must be prepared to lose his job immediately. There was a great deal of unemployment at the time so he decided he could not take the risk of being idle as his mother was suing his stepfather for a divorce and he was her only means of support. If he could have had an immediate settlement, he would have taken the risk, but his friend warned him that he might have to wait a long time. He was also influenced in his decision by other friends who told him that if he had "signed any papers" he had no chance of winning a suit. Carl stated that the family had a difficult time during the period he was unable to work, although he gave his mother all but 56 cents of his weekly compensation. His stepfather was out of work most of that time, and what he gave them was all that they had to live on.

For seven years a mother had supported herself and her son, William, by working in factories. He was a talented boy, with a gift for music, and her whole life was centered in giving him a musical education that he might earn a living with his violin. Both the mother and William were determined that he should not spend his life in a factory and that she should not end hers there. Lessons were expensive, but they struggled along on her small earnings; the boy was never required to work after school nor during vacations, but all his time was given to his practice. Nothing else seemed to interest him. He neglected his school and left as soon as he had completed the minimum requirements—just after his sixteenth birthday. After he left school it became necessary for him to work until he had finished his musical education, but he entered the factory with the consolation that he would soon be ready to start out with his violin and be free from it. He tried several jobs—each for a short time only—then obtained work at a buffing machine in the silverware factory in which his mother was employed. Neither he nor his mother knew at the time that such work was prohibited minors under 18 years of age nor did they know that illegal employment affected his status under the compensation law. In addition to being employed in a prohibited hazardous occupation, the boy did not have his minor's certificate of age on file with the employer. The machine to which he was assigned was the same one at which the mother had been working and neither dreamed that there was any danger connected with it. The spindle of a buffing machine, which protrudes an inch or two and rotates with the wheel, is hollow. Usually it is sealed with a cap, but on that particular machine the cap was missing. Two days after he had started work, in some manner the boy was unable to say how, he caught his left little finger in the hollow of this spindle and wrenched off one joint of his finger. He was taken to the factory hospital and his injury cared for. His first words on returning to consciousness were "my music is gone," and that had been the thought uppermost in his mind ever since. When his finger healed, he tried to continue with his violin, but his instructor advised his mother that he was wasting his money unless they could afford to give him lessons for the pleasure that he might get from it—that he would never be able to use it as a means of livelihood.

At the time of his accident nothing was said to William about compensation. The mother knew that some firms paid this but thought that it was optional with each firm, so when the department manager told her that he would give William a lifetime job and assign him to a department in which he could learn a good trade she thought it best to accept the offer and did not inquire about compensation. When the boy returned to work two and one-half months later, however, instead of giving him a good job the foreman put him to work counting silver. After one month the mother complained to the department manager, and William was transferred to the core room with the understanding that he should learn to be a core maker. But at the end of a month he was laid off with several other workers, and his mother realized that the promises of the firm meant nothing. She, therefore, found a job for herself in another factory and put William's case in the hands of a lawyer who took it on a contingent basis and instituted suit. She did not know when interviewed, about 15 months later, for how much the lawyer was suing but knew only that his share was to be one-third of the settlement. The case was still pending.

When injured, the boy was earning $14 a week, but when he returned to the factory he was given only $12. Since being laid off at the factory he has done little steady work. He started at several laboring jobs but stuck to none of them long. In a little less than a year he had had five different jobs. At the time of the interview he was working with a brother-in-law at a filling station, where he was paid on a commission basis, according to the amount of gasoline sold, and for the two weeks previous to the interview had averaged only $7 a week. Both he and his mother were completely demoralized. William refused to face the future or make any plans; he said that he did not care what happened. He brooded over his injury constantly, and instead of helping him to become interested in something his mother pitied him and continually kept the matter fresh in his mind. They had made no plans as to what they would do with the money if they won the law suit. William said that he thought he could learn to play another instrument if he tried but that he had no desire to play anything but the violin.

INDIANA LAWS RELATING TO WORKMEN'S COMPENSATION FOR INJURED MINORS

DEFINITION OF EMPLOYEE IN WORKMEN'S COMPENSATION LAW

[References are to Laws of 1929, ch. 172]

SECTION 73. In this act unless the context other[wise] requires: * * * (b) "Employee" shall include every person, including a minor lawfully in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents, and other persons to whom compensation may be payable.

EXTRA COMPENSATION LAW PASSED IN 1923 [1]

The term "employee" as used in this act and in the act of which this act is amendatory shall be construed to include every person, including a minor 14 years of age or over, in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. Except as herein provided, all such minor employees are hereby made of full age for all purposes, under, in connection with, or arising out of this act. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents, and other persons to whom compensation may be payable. Except as hereinafter otherwise provided, if the employee be a minor of the age of 14 years or over who at the time of the accident is employed, required, suffered, or permitted to work in violation of any of the provisions of any of the child labor laws of this State, the amount of compensation and death benefits as provided in this act shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half of the compensation or benefits that may be payable on account of the injury or death of such minor and the employer shall be wholly liable for the other one-half of such compensation or benefits: *Provided*, That if such employee be a minor who is not less than 16 years and not more than 18 years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provision of this act prescribing double the amount otherwise recoverable shall not apply.

The rights and remedies herein granted to a minor subject to this act on account of personal injury or death by accident shall exclude all rights and remedies of such minor, his parents, his personal representatives, dependents, or next [of] kin at common law, statutory or otherwise on account of such injury or death.

This act shall not apply to minors under 14 years of age.

EXCERPTS FROM CHILD LABOR LAW

[References are to Laws of 1921, ch. 132]

Minimum age.

SECTION 18, as amended by Laws of 1929, ch. 76. No minor under the age of 14 years shall be employed or permitted to work in any gainful occupation other than farm labor or domestic service, or as a caddie to any person or persons who are engaged in playing the game of golf. It shall be unlawful for any person, firm, or corporation to employ or permit any minor to work in any occupation or service whatsoever during any of the hours when the common schools of the

[1] Laws of 1923, ch. 76; this provision was repealed by Laws of 1929, ch. 172.

school corporation in which such minor resides are in session, contrary to the provisions of section 6 of this act.

Employment certificates.

SECTION 19, as amended by Laws of 1929, ch. 76. It shall be unlawful for any person, firm, or corporation to hire or employ or permit any minor between the ages of 14 and 18 years to work in any gainful occupation until such person, firm, or corporation shall have secured and placed on file in the office of such person, firm, or corporation a certificate issued by the issuing officer, as hereinafter defined, of the school corporation in which said minor resides. Upon the request of any employer who desires to employ a minor who represents his or her age to be between 18 and 21 years, it shall be the duty of the issuing officer to issue a certificate to such minor. Upon the request of any parent or guardian, the issuing officer shall have authority to issue permits for temporary absences for causes other than employment. The issuing officer in all cities and incorporated towns having boards of school trustees shall be the superintendent of the schools of such city or such incorporated town or some person designated by him in writing so to act, and in all other school corporations the issuing officer shall be the county superintendent of schools or some person or persons designated by him in writing so to act: *Provided*, That no school superintendent shall designate an issuing officer without the approval of the State attendance officer. In case of a vacancy in the superintendency of the schools of any such city or incorporated town, then during such vacancy, the president of the board of school trustees or the president of the board of school commissioners of such city or incorporated town or someone whom he shall designate, shall be the issuing officer thereof. No certificate shall be required for any minor between the ages of 14 and 16 years to perform farm labor or domestic service or to perform the duties or to work or act as a caddie[2] to any person or persons who are engaged in playing the game of golf, during the hours when schools of the school corporation in which such minors reside are not in session. The issuing officer of such school corporation or the person authorized by him in writing so to act shall issue such certificate only to a minor whose employment is necessary and not prohibited by law, and only upon receipt of the following four documents herein referred to as proof of age, proof of physical fitness, proof of schooling, and proof of prospective employment. * * *

The certificate herein provided for shall set forth the full name, the date, and place of birth of the applicant for such certificate, together with the name and address of his parent, guardian, or custodian, and shall certify that the minor and his parent, guardian, or custodian have appeared before the officer issuing the certificate and have submitted the proof of age, physical fitness, schooling, and prospective employment as required in this section. All blank forms necessary to carry out the provisions of sections 18 to 28, inclusive, of this act shall be prepared by the industrial board and supplied to the several issuing officers, and a sufficient amount of money to defray any expenses incurred by the industrial board in the printing and distribution of such forms is hereby appropriated annually out of any money in the general fund of the State treasury not otherwise appropriated. A copy of each such certificate shall be mailed by the officer to the employer, a record of which shall be kept in the office of the issuing officer and another copy of which shall be forwarded by the issuing officer to the industrial board, within five days after its issuance. The State board of attendance or the State industrial board may, at any time, revoke any such certificate, if in the judgment of either it was improperly issued, or if the State board of attendance or the industrial board has knowledge of the fact that the minor was illegally employed. * * * Employment certificates shall be issued in such form and under such rules and regulations as shall be adopted from time to time by the industrial board and the State board of attendance, and which are not inconsistent with the provisions of law, and such as will promote uniformity and efficiency in the administration of this act.[3] * * *

---

[2] This exemption of work at caddying was inserted in the law in 1929 (ch. 76).

[3] Regulations for issuing officers have been adopted which have the force of law and which make important distinctions between the certificates to be issued to different groups of minors under 18. For certificates issued to children under 16 for work during school hours, the regulations follow strictly all the requirements of the law; for certificates issued to 14 and 15 year old children to work outside school hours and during school vacation, and to 16 and 17 year old children to work at any time, the child need present only proof that he is of legal age for employment.

Hours of labor.

SECTION 21, as amended by Laws of 1929, ch. 76. No boy between the ages of 14 and 16 years and no girl between the ages of 14 and 18 years shall be employed or permitted to work in any gainful occupation other than farm labor or domestic service or as a caddie to any person or persons who are engaged in playing the game of golf, more than 8 hours in any one day, nor more than 48 hours in any one week, nor more than 6 days in any one week, nor before the hour of 6 o'clock in the morning, nor after the hour of 7 o'clock in the evening of any day. * * *

Prohibited employment—minors under 16 years.

SECTION 22. No minor under the age of 16 years shall be employed, permitted, or suffered to work in any capacity in any of the following occupations: Oiling, wiping, or cleaning machinery or assisting therein; operating or assisting in the operation of, or off-bearing at, any of the following machines or apparatus whether power driven or not: Circular or band saws; wood shapers; wood joiners; planers; stamping machines used in sheet-metal or tin-work manufacturing; stamping machines in washer or nut factories, or any other stamping machine used in stamping metal; boiler or other steam-generating apparatus; dough bakers or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery; punch; shears; drill press; grinding or mixing mills; calender rolls in rubber manufacturing; laundry machinery; corrugating rolls of the kind used in roofing and washboard manufacturing; metal or paper cutting machines; corner-staying machines in paper-box factories; assorting, manufacturing, or packing tobacco; in or about any mine, quarry, or excavation; or in any hotel, theater, bowling alley, or in any other occupation dangerous to life or limb, or injurious to the health or morals of such minor.

Prohibited employment—minors under 18 years.

SECTION 23. No minor under the age of 18 years shall be employed, permitted, or suffered to work in any capacity in any of the following occupations: Oiling and cleaning moving machinery; in the operation of emery wheels except for the sharpening of tools used by an apprentice in connection with his work; or at any abrasive, polishing or buffing wheel; in the operation of any elevator, lift, or hoisting machine; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high explosives are manufactured, compounded, or stored; in dipping, dyeing, or packing matches; in any saloon, distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; or in any other occupation dangerous to life or limb or injurious to the health or morals of such minor. No boy under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 6 o'clock in the morning, or after 10 o'clock in the evening of any day; and no girl under 18 years shall be employed in any capacity where such employment compels her to remain standing constantly.

Prohibited employment—minors under 21 years.

SECTION 24. No boy or girl under the age of 21 years of age shall be permitted to work in any public pool or billiard room.

Enforcement.

SECTION 26. It shall be the duty of the State industrial board or its authorized inspectors and agents to cause sections 18 to 28, inclusive, of this act to be enforced and to cause all violators of the same to be prosecuted, * * *.

Actions for damages for unlawful employment.

SECTION 28. In all actions or damages for personal injuries by any minor or by his parent, guardian, or personal representative, because of his being employed, retained in employment, required or permitted to work in violation of any provision of sections 18 to 28, inclusive, of this act, the employer shall not be permitted to defend upon the ground that such minor had assumed any risk of the employment, or that the injury was due to the negligence of a fellow servant, or to the contributory negligence of such minor. In any such action it shall be sufficient to allege and prove that such minor was employed, retained in employment, required or permitted to work in violation of any provision hereof and that the injury arose out of such employment, or the performance of such work.

Part 3.—RECOMMENDATIONS OF THE WHITE HOUSE CONFERENCE ON CHILD HEALTH AND PROTECTION RELATING TO THE ILLEGALLY EMPLOYED MINOR UNDER WORKMEN'S COMPENSATION LAWS

The status of the illegally employed minor under workmen's compensation laws was given special consideration by a subcommittee of the committee on vocational guidance and child labor of the White House Conference, appointed by President Hoover and held in Washington in November, 1930, which made the following recommendations [1]:

WORKMEN'S COMPENSATION LAWS

Basic to a State program for the general compensation of minors injured in industry, is a workmen's compensation law which is liberal in its general provisions as well as in its provisions relating to minors. Such a law should be administered by a properly qualified commission or board to which claims for the payments of compensation under the law should be submitted in all cases for award or denial. It should be compulsory for at least all industrial employments and employees, and it should be liberal in the amount of payments for which it provides.

SPECIFIC PROVISIONS FOR MINORS

Basis for computing compensations.

In view of the fact that the amount of compensation payable under the workmen's compensation laws is in almost all States a certain percentage (never more than 66.67 per cent [2]) of the average wages or earnings of the injured employee, and that the wages of young workers are in general very low, it is urged that all States not yet having such provisions enact legislation providing that the employee's future earning capacity in the case of minors permanently disabled, be considered as determining the average wage of injured minors. Future earnings should be deemed those he would probably have been capable of earning as a result of his education and experience in any occupation in which he would be likely to find employment, and not be limited to probable future earnings in the plant, industry, or locality in which he happened to be employed when the injury occurred. In view of the difficulty of estimating prospective earnings, it is recommended that unless otherwise established the minor's earnings for the purpose of computing compensation, in

[1] Child Labor; report of the subcommittee on hazardous occupations, industrial accidents, and compensation for minors of the White House Conference on Child Labor and Protection, pp. 317–321. Century Co., New York, 1932.

[2] Since the date of these recommendations, Wisconsin has raised this rate to 70 per cent. (Wis., Laws of 1931, ch. 101.)

case of permanent disability, should be deemed to be equivalent to the amount upon which maximum compensation is payable under the law.

In case of temporary disability, the minor's future earning capacity is not presumably impaired and there would seem to be no reason for basing his compensation on his probable earnings as an adult. If, however, his earnings would probably have increased during the period of temporary disability, consideration should be given, in computing compensation, to such probable increase.

Since in some of the States girls attain their majority at 18 years of age, but may still be low-paid wage earners, any provision designed to increase compensation payments to young workers in these States should apply to all persons under 21 years of age.

Illegally employed minors.

Legal provisions.—It has been found in States in which minors illegally employed when injured are excluded from the benefits of the workmen's compensation law that, although they are theoretically free to obtain higher damages in suits at law, they do not in actual practice fare as well as if they were covered by the workmen's compensation law. Therefore, it is recommended that in all States minors illegally employed when injured be brought under the provisions of the workmen's compensation laws.

In depriving illegally employed minors of such rights as they have attained under the common law, which as a general rule prevents the employers of such minors from pleading the usual common-law defenses and makes recovery of damages at law easier than in the case of legally employed minors or of adults, it is only just that some special provision should be made in all States, as has already been done in a few, for additional compensation. Such legislation should provide that additional compensation be paid in all cases of minors under 21 injured while employed in violation of any provision of the child labor law or of any ruling made by the State department of labor or industrial commission which has the force of law; the amount of extra compensation be at least 100 per cent that of the regular compensation; and the employer be made personally liable for the payment of the additional compensation, with the insurance company secondarily liable only in cases where the employer is insolvent.

Administration.—Experience has shown that unless special effort is made to locate cases of accidents to minors illegally employed and to follow up such cases in order to see that additional compensation is paid, many minors legally entitled to additional compensation do not receive it.

First, a thorough investigation is recommended of the legality of employment of all injured minors whose ages are reported as two years, or less, older than the maximum age covered by the provisions of the child labor and compulsory school attendance laws. It is recommended that all accident reports to minors of the ages specified be referred as soon as received, for investigation as to legality of employment, to some special bureau or individual in the State department of labor or industrial commission, preferably a bureau or individual especially concerned with the enforcement of the State child

labor law or with research in this field. For the investigation of the correct age and employment-certificate status, the following procedure is recommended:

1. A checking of accident reports with employment-certificate records, supplemented where necessary by correspondence with employer, employee, local certificate-issuing officers, and checking with birth records or other evidence of age. Since checking with employment-certificate records has been found to be both less time-consuming and more accurate in States in which the law requires that duplicates of employment certificates be filed with the State labor department, the passage of legislation to this effect is urged where it is not already operative.
2. Where violations of the State child labor law relating to the employment of minors in hazardous trades or at illegal hours are suspected, special investigation of the circumstances of the accident by the State inspectors especially assigned to safety inspections in factories is recommended.

Second, the administrative agency should take full responsibility for seeing that the additional compensation is paid to the injured minor.

Third, where the award is large, especially in the case of minors permanently disabled, the additional compensation, at least, should be placed in trust, with payments of interest, for the minor until he has attained his majority. Only such portions of the compensation awards should be paid during the injured worker's minority as are necessary for support or to provide desirable training.

Fourth, the State enforcing agency should use every means of publicity available to bring to the attention of employers the costs and hazards involved in the illegal employment of minors.

APPENDIX

STATISTICS OF ILLEGALLY EMPLOYED INJURED MINORS

Statistics on minors injured while illegally employed were available (April, 1932) for Illinois, Indiana, New Jersey, New York, Pennsylvania, and Wisconsin.[1] In several of these States special studies of illegally employed injured minors have been made, and in all of them the department administering the workmen's compensation law publishes or has published some separate statistics on this group. The statistics vary considerably, however, for the different States. The Indiana Industrial Board, for example, has published the number injured only for a single 14-month period, whereas the Illinois Department of Labor publishes annually detailed information on each minor injured while illegally employed, covering age, sex, occupation, industry, cause of injury, nature of violation of the child labor law, amount of compensation incurred, and amount actually paid. Statistics issued periodically by the other States, although more complete than those for Indiana, are not so detailed as for Illinois. Statistics for Pennsylvania, although given in some detail, are not comparable with those for the other States, as in Pennsylvania legality of employment has heretofore been investigated for only a small proportion of the minors reported as injured. (See p. 40.) The statistics for the various States, moreover, differ in other ways; thus, those for Indiana are based on all injuries reported, whereas those for the other States relate only to compensable or to compensated injuries.

The following tables, which summarize the principal available facts, are based upon annual statistics published by the State agencies concerned, or upon statistics assembled in connection with special studies made by the United States Children's Bureau or other agencies. The source in each case is indicated in the footnotes to the tables.

Table I shows the proportion minors found to have been illegally employed at the time of injury form of the total number of minors injured in five of the six States. This proportion varies, the variation apparently depending chiefly on the thoroughness with which both the legality of employment is investigated and the child labor laws are enforced. For example, the two States reporting the largest proportions—Illinois and Wisconsin—are ones that have placed considerable emphasis upon the investigation of legality of employment, whereas the States reporting relatively small proportions are those that have made practically no special investigations, like New York (see p. 38), or that do not extend their investigations to minors reported as over employment-certificate age, like New Jersey (see p. 38).

---

[1] Besides Illinois, New Jersey, New York, Pennsylvania, and Wisconsin, four other States (Alabama, Maryland, Michigan, and Missouri) have extra compensation laws. In Alabama, where the law has been in effect only since July 6, 1931, no statistics are available. In the three remaining States the State administrative agencies report either that no minors have been awarded extra compensation or that they do not know how many there are. In Missouri, where double compensation is awarded only if the employer has "knowingly" employed a minor in violation of the child labor law, the State workmen's compensation commission reports that no award of extra compensation has been made in the four years the law has been in operation. No information is available as to the numbers of such cases in Maryland and Michigan, although the extra compensation laws of these States have been in effect since 1927.

TABLE I.—*Number of minors under 18 and under 16 years of age injured while employed and number and percentage of these who were found to be illegally employed in four States (Illinois, New Jersey, New York, Wisconsin) having extra compensation laws, and in Indiana and Pennsylvania*

State	Period covered	Minors under 18			Minors under 16		
		Total number injured	Number illegally employed		Total number injured	Number illegally employed	
			Number	Per cent		Number	Per cent
Illinois	July 1, 1927–June 30, 1930 [1]	----------	----------	----------	336	225	67
New Jersey	Jan. 1, 1927–Dec. 31, 1929 [2]	3,119	----------	----------	370	70	19
New York	July 1, 1923–June 30, 1928 [3]	10,843	152	1	1,110	141	13
Wisconsin	July 1, 1919–Dec. 31, 1928 [4]	4,751	962	20	625	258	41
Indiana	Apr. 30, 1923–Dec. 31, 1929 [5]	----------	822	----------	----------	39	----------
Pennsylvania	July 1, 1926–Dec. 31, 1928 [6]	12,136	581	5	----------	----------	----------

[1] Labor Bulletin, Illinois Department of Labor, vol. 8, No. 6 (December, 1928), p. 84; vol. 9, No. 6 (December, 1929), pp. 80–82; vol. 10, No. 6 (December, 1930), pp. 108–110; and unpublished supplementary material furnished by the Illinois Department of Labor.

[2] Industrial Bulletin, New Jersey Department of Labor, vol. 2, No. 9 (September, 1928), p. 45; vol. 3, No. 9 (September, 1929), pp. 35–36; vol. 4, No. 9 (September, 1930), pp. 71, 73; and unpublished figures furnished by the New Jersey Department of Labor.

[3] New York State Department of Labor: Special Bulletins No. 142, pp. 149–50; No. 146, pp. 64–65; No. 148, pp. 58–59; No. 157, pp. 54–55; No. 160, pp. 72–73. Information for minors illegally employed is for those receiving double compensation, from Special Bulletin No. 168, p. 16.

[4] Wisconsin Labor Statistics: Bulletin No. 25, pp. 4–7. Information for minors illegally employed is for those whose injuries occurred and whose cases were closed in the period Sept. 1, 1917–Dec. 31, 1928; U. S. Children's Bureau study (see p. 87).

[5] U. S. Children's Bureau study (see p. 150).

[6] Labor and Industry, Commonwealth of Pennsylvania, Department of Labor and Industry, vol. 14, No. 7 (July, 1927), p. 3; vol. 15, No. 7 (July, 1928), p. 3; vol. 16, No. 12 (December, 1929), p. 3.

Tables II and III show the provisions of the child labor laws violated by minors injured while illegally employed in the States for which the information is available. The violations reported differ with the State, as the extra compensation laws of the different States do not all cover the same types of violation. The Wisconsin extra compensation law does not cover minors employed in violation of the hour and night-work regulations of the child labor law and until 1929, subsequent to the period covered by the statistics shown in Tables II and III, did not cover minors employed under permit age; hence violations of these regulations are not reported in the Wisconsin statistics. The most common type of violation is failure to have an employment certificate on file. The proportion of cases in which this provision was violated is largest in Indiana, where a relatively thorough investigation is made to determine the minor's certificate status, but no investigation is made to determine employment in prohibited occupations. The smallest proportion is in New York, where no preliminary investigation of legality is made. Although New York is unique in that a hearing is accorded every compensation case and this hearing provides an opportunity for investigating the legality of the employment of injured minors, the types of violation discovered in this way are chiefly those that are most likely to be self-evident from the accident report, such as employment in a prohibited occupation or below permit age. This procedure may also explain the relatively large proportion reported for New York as employed in violation of the prohibited-occupation clause of the child labor law.

TABLE II.—*Minors found to be injured while employed in violation of specified provisions of the child labor law in four States (Illinois, New Jersey, New York, and Wisconsin) having extra compensation laws, and in Indiana*

Nature of violation	Minors injured while illegally employed in—								
	Illinois [1]		New Jersey [2]	New York [3]		Indiana [4]		Wisconsin [5]	
	Number of minors injured	Per cent distribution	Number of minors injured [6]	Number of minors injured	Per cent distribution	Number of minors injured	Per cent distribution	Number of minors injured	Per cent distribution
Total	225	-------	27	152	-------	822	-------	962	-------
Total reporting violation	225	100	27	134	100	815	100	952	100
Under permit age	12	5	-------	21	16	2	(6)	-------	-------
Permit age and over	213	95	27	113	84	813	100	950	100
Permit violation only	69	31	15	24	18	692	85	697	73
Prohibited occupation only	26	12	12	56	42	17	2	96	10
Illegal hours only	4	2	-------	9	7	1	(7)	-------	-------
More than one violation	114	51	-------	24	18	103	13	157	17
Not reported	-------	-------	-------	18	-------	7	-------	12	-------

[1] Labor Bulletin, Illinois Department of Labor, vol. 8, No. 6 (December, 1928), p. 84; vol. 9, No. 6 (December, 1929), pp. 80-82; vol. 10, No. 6 (December, 1930), pp. 107-110; July 1, 1927-June 30, 1930.
[2] Industrial Bulletin, New Jersey Department of Labor, vol. 4, No. 4 (April, 1930), p. 23; cases closed during 1929.
[3] New York State Department of Labor: Special Bulletin 168, pp. 37, 38; calendar years 1924-1928.
[4] Information obtained from U. S. Children's Bureau study; Apr. 30, 1923-Dec. 31, 1929.
[5] Information obtained from U. S. Children's Bureau study; Sept. 1, 1917-Dec. 31, 1928.
[6] Per cent distribution not shown where number of minors was less than 50.
[7] Less than 1 per cent.

TABLE III.—*Number and percentage of minors found to be injured while employed in violation of certain specified provisions of the child labor law in four States (Illinois, New Jersey, New York, and Wisconsin) having extra compensation laws, and in Indiana*

State	Number of minors injured, and per cent of total illegally employed minors injured, who were employed—					
	Without permits [1]		In illegal occupations [2]		At illegal hours [3]	
	Number	Per cent [4]	Number	Per cent [4]	Number	Per cent [4]
Illinois [5]	146	65	106	47	87	39
New Jersey [5]	15	-------	12	-------	-------	-------
New York [5]	47	35	79	59	13	10
Indiana [5]	795	98	117	14	5	1
Wisconsin [5]	854	90	255	27	-------	-------

[1] Includes all permit violations whether alone or with other violations.
[2] Includes all occupation violations whether alone or with other violations.
[3] Includes all hour violations whether alone or with other violations.
[4] Per cent not shown where number of minors was less than 50.
[5] Information from same sources as given in Table II.

Table IV shows the percentage of fatal and permanent injuries occurring to minors injured while illegally employed compared with all injured minors in the four States for which there are comparable figures. In New Jersey and New York approximately half the injuries to minors known to be illegally employed resulted in death or permanent disability. The proportion is smaller

in Illinois and Wisconsin, but in these States, also, it is considerably greater than the proportion of the injuries to all minors of the same ages that resulted in fatalities or permanent disabilities. In New York, the only State for which information on this point is available, the average period of disability also is longer in the cases of minors awarded double compensation because illegally employed than in the case of other injured minors—the average period allowed for disability to all compensated cases of permanent partial or of temporary character in 1927 was 12 weeks, whereas the average period for minors awarded double compensation was 40.5 weeks.[2] The larger number of illegally employed minors who meet with serious accidents is due to the fact that so many of them are employed in occupations prohibited by law because of their hazardous nature. In Wisconsin, the only State for which the numbers are large enough to permit the necessary computations, the proportion of illegally employed minors not employed in prohibited occupations who received permanent or fatal injuries was approximately the same (12 per cent) as the comparable proportion of the total number injured, whereas the proportion of those employed in prohibited occupations who were killed or permanently disabled was considerably higher (27 per cent). The differences among the States in the proportion of injuries resulting in death or permanent disability result at least in part from differences in the proportions of the minors known to be employed in violation of the certificate provisions and the consequent differences in the proportions employed in hazardous occupations. (See p. 32.) For example, in New York the high percentages of injuries to the illegally employed, as compared with all compensated injuries to minors, resulting in death or permanent disability or in more serious partial disability, which has been noted above, are doubtless due in part to the method of locating cases for extra compensation, which results in the discovery for the most part of the cases involving the violation of the hazardous occupations law and, therefore, the more serious types of accident.

TABLE IV.—*Percentage of minors under 18 and under 16 years of age receiving fatal or permanent injuries and percentage receiving such injuries while found to be illegally employed in four specified States*

State	Period covered	Per cent of minors of specified ages injured while employed who sustained fatal or permanent injuries			
		Total minors		Minors injured while illegally employed	
		Under 18 years	Under 16 years	Under 18 years	Under 16 years
Illinois	July 1, 1927–June 30, 1930 [1]	19	22	----------	29
New Jersey	Jan. 1, 1927–Dec. 31, 1929 [2]	----------	30	----------	49
New York	July 1, 1923–June 30, 1928 [3]	17	18	55	53
Wisconsin	Jan. 1, 1919–Dec. 31, 1928 [4]	11	13	16	23

[1] Labor Bulletin, Illinois Department of Labor, vol. 7, No. 10 (April, 1928), p. 159; vol. 8, No. 10 (April, 1929), pp. 161, 163; vol. 9, No. 10 (April, 1930), pp. 164–165. Information for injured minors illegally employed for the 3 years ended June 30, 1929, from Labor Bulletin, vol. 8, No. 6 (December, 1928), p. 84; vol. 9, No. 6 (December, 1929), pp. 80–82; vol. 10, No. 6 (December, 1930), pp. 108–109.

[2] Industrial Bulletin, New Jersey Department of Labor, vol. 3, No. 9 (September, 1929), p. 37; vol. 4, No. 9 (September, 1930), p. 74. Information for minors injured while illegally employed for 1927–1929.

[3] New York State Department of Labor: Special Bulletins No. 142, pp. 149–50; No. 146, pp. 64–65; No. 148, pp. 58–59; No. 157, pp. 54–55; No. 160, pp. 72–73. Information for minors illegally employed is for those receiving double compensation in the 5 calendar years 1924–1928, from unpublished data furnished by New York State Department of Labor and from Special Bulletin No. 168, pp. 16 and 29.

[4] Wisconsin Labor Statistics: Bulletin No. 25, p. 4. Information for minors illegally employed is for those whose injuries occurred and whose cases were closed July 1, 1917–December 31, 1928, obtained in U. S. Children's Bureau study.

Table V shows the cause of injuries to illegally employed minors in the four States for which this information is available. The proportion injured by machinery, the principal cause in each State, varies from 72 per cent in New

[2] The Social Aspects of the Administration of the Double Compensation Law in New York State, p. 37. New York State Department of Labor, Special Bul. No. 168.

York and 56 per cent in New Jersey to 37 per cent and 40 per cent, respectively, in Wisconsin and Illinois. In all these States injuries from machinery are more common among illegally employed minors than among all injured minors, owing to the fact that in each State a number of the prohibited occupations are in connection with machinery.

TABLE V.—*Cause of injury of minors injured while found to be illegally employed in four States (Illinois, New Jersey, New York, and Wisconsin)*

Cause of injury	Minors injured while illegally employed in—							
	Illinois [1]		New Jersey [2]		New York [3]		Wisconsin [4]	
	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution	Number	Per cent distribution
Total	225	-------	70	-------	152	-------	962	-------
Cause of injury reported	222	100	70	100	152	100	890	100
Machinery	89	40	39	56	116	76	326	37
Woodworking	14	6	-------	-------	8	5	78	9
Metal working	25	11	-------	-------	31	20	58	7
Paper and paper products	6	3	-------	-------	-------	-------	29	3
Printing and bookbinding	2	1	-------	-------	8	5	15	2
Leather working	-------	-------	-------	-------	4	3	13	1
Textile	2	1	-------	-------	4	3	9	1
Farm machinery	-------	-------	-------	-------	-------	-------	8	1
Hoisting apparatus	11	5	-------	-------	6	4	48	5
Other	29	13	-------	-------	55	35	68	8
Not reported	-------	-------	39	56	-------	-------	-------	-------
Vehicles	45	20	11	16	14	9	111	12
Falling objects	10	5	2	3	2	1	33	4
Falls of persons	22	10	5	7	2	1	64	7
Stepping on or striking against objects	12	5	2	3	1	1	62	7
Hand tools	10	5	-------	-------	1	1	70	8
Handling objects	26	12	8	11	11	7	166	19
Electricity, explosives, and hot and corrosive substances	5	2	1	1	4	3	31	3
Infection or occupational disease	-------	-------	-------	-------	1	1	7	1
Other	3	1	2	3	-------	-------	14	2
Cause of injury not reported	3	-------	-------	-------	-------	-------	72	-------

[1] Labor Bulletin, Illinois Department of Labor, vol. 8, No. 6 (December, 1928), p. 84; vol. 9, No. 6 (December, 1929), pp. 80–81; vol. 10, No. 6 (December, 1930), pp. 108–109; period covered July 1, 1927–June 30, 1930.
[2] Industrial Bulletin, New Jersey Department of Labor, vol. 3, No. 9 (September, 1929), p. 57; vol. 4, No. 9 (September, 1930), p. 74, and unpublished figures furnished by New Jersey Department of Labor for 1927; period covered, Jan. 1, 1927–Dec. 31, 1927.
[3] New York Department of Labor, Special Bulletin, No. 168, p. 29; period covered Jan. 1, 1924–Dec. 31, 1928.
[4] U. S. Children's Bureau study; period covered Sept. 1, 1927–Dec. 31, 1928.

REFERENCES TO STATE WORKMEN'S COMPENSATION LAWS[1]

Alabama: Code 1923, secs. 3992–4003, 7534–7597, 8329; Laws of 1931, Act No. 357.

Arizona: Rev. Code 1928, secs. 1391–1457; Laws of 1931, ch. 112.

Arkansas: No workmen's compensation law.

California: Laws of 1917, ch. 586; 1919, ch. 471; 1923, chs. 90, 161, 197, 379, 381; 1925, chs. 300, 354, 355, 383; 1927, chs. 589, 702, 760, 761; 1929, chs. 165, 173, 174, 222, 227, 249, 254, 255, 679; 1931, chs. 944, 945, 1021, 1119–1121.

Colorado: Laws of 1919, ch. 210; 1923, chs. 200–203; 1925, ch. 182; 1927, chs. 197–199; 1929, ch. 186; 1931, chs. 174–178.

Connecticut: Gen Stat., Revision of 1930, secs. 5223–5291; Laws of 1931, chs. 9, 132.

Delaware: Laws of 1917, ch. 233; 1919, ch. 203; 1921, ch. 186; 1923, ch. 206; 1927, chs. 192, 193; 1929, ch. 253; 1931, chs. 240–242.

District of Columbia: Act of May 17, 1928, ch. 612, 45 Stat. 600, extending the act of March 4, 1927, ch. 509, 44 Stat. (Part 2) 1424, to the District of Columbia, with certain exceptions.

Florida: No workmen's compensation law.

Georgia: Laws of 1920, p. 167, secs. 1–77; 1922, pp. 77, 185; 1923, p. 92; 1925, p. 282; 1929, p. 358; supplemented by Laws of 1931, p. 7, sec. 108.

Idaho: Comp. Stat. 1919, secs. 6213–6339; Laws of 1921, chs. 104, 217, 220, 240, 244; 1925, ch. 129; 1927, chs. 106, 181; 1929, chs. 88, 164; 1931, ch. 222.

Illinois: Smith-Hurd's Rev. Stat. 1931, ch. 48, secs. 138–172.

Indiana: Laws of 1929, ch. 172 .

Iowa: Code, 1931, secs. 1361–1422, 1431, 1432, 1434–1436, 1462, 1466, 1467–1481.

Kansas: Laws of 1927, ch. 232; 1929, ch. 206; 1931, ch. 217.

Kentucky: Carroll's Stat. 1930, ch. 137, secs. 4880–4987.

Louisiana: Laws of 1914, Act No. 20; 1916, Act No. 243; 1918, Act No. 38; 1920, Act Nos. 234, 244, 247; 1922, Act No. 43; 1924, Act Nos. 21, 216; 1926, Act No. 85; 1928, Act No. 242; 1930, Act No. 81.

Maine: Rev. Stat. 1930, ch. 55, secs. 1–56; Laws of 1931, chs. 160, 225.

Maryland: Ann. Code 1924, art. 101, secs. 1–66; Laws of 1927, chs. 83, 395, 396, 536, 552, 587, 656, 660; 1929, chs. 331, 425, 426; 1931, chs. 339–342, 363, 364, 404, 406.

Massachusetts: Gen. Laws 1921, ch. 152; Laws of 1921, chs. 310, 462; 1922, chs. 368, 402; 1923, chs. 125, 139, 163; 1924, chs. 207, 434; 1925, ch. 267; 1926, ch. 190; 1927, ch. 309; 1928, ch. 356; 1929, chs. 242, 246, 326; 1930, chs. 129, 159, 181, 205, 208, 293, 320, 330, 336; 1931, chs. 143, 170, 426.

Michigan: Comp. Laws 1929, ch. 150, secs. 8407–8485; Laws of 1931, Act 58.

Minnesota: Gen. Stat. 1923, ch. 23A, secs. 4261–4337; Laws of 1925, chs. 161, 175, 219; 1927, chs. 216, 417; 1929, chs. 248, 250, 251, 252, 400; 1931, ch. 352.

Mississippi: No workmen's compensation law.

Missouri: Laws of 1925, p. 375, secs. 1–79, fully effective (after referendum) Jan. 7, 1927; 1929, p. 444; 1931, pp. 381, 382.

Montana: Rev. Codes 1921, secs. 2816–3033; Laws of 1925, chs. 117, 121; 1929, ch. 177; 1931, ch. 139.

Nebraska: Comp. Stat. 1929, secs. 48–101 to 48–161.

Nevada: Comp. Laws 1929, secs. 2680–2731; Laws of 1931, chs. 151, 213.

New Hampshire: Public Laws 1926, ch. 178; Laws of 1931, ch. 131.

New Jersey: Laws of 1911, ch. 95; 1913, ch. 174; 1914, ch. 244; 1919, ch. 93; 1921, chs. 85, 229, 230; 1922, ch. 245; 1923, ch. 49; 1924, chs. 124, 159; 1925, ch. 163; 1926, ch. 31; 1928, chs. 135, 149; 1931, chs. 33, 279. Supplemented by Laws of 1911, ch. 368; 1912, ch. 316; 1913, ch. 145 (amended by Laws of 1927, ch. 127; 1931, ch. 355); 1913, ch. 301 (amended by Laws of 1928, ch. 225); 1915, chs. 59, 199; 1918, ch. 149 (amended by Laws of 1919, ch. 92; 1921, ch. 229; 1925, ch.

[1] Latest session laws cited: 1931. References are to code sections or session law enactments.

98; 1927, ch. 234; 1928, ch. 224; 1931, chs. 280, 388); 1922, ch. 39; 1923, ch. 81 (amended by Laws of 1931, ch. 108); 1924, ch. 187 (amended by Laws of 1931, ch. 278); 1928, ch. 136; 1929, ch. 66; 1930, ch. 72 (amended by Laws of 1930, ch. 158; 1931, ch. 231); 1931, ch. 172.

New Mexico: Laws of 1929, ch. 113; 1931, ch. 9.

New York: Consolidated Laws, ch. 67, as amended (in Cahill's Consolidated Laws of New York, 1930, ch. 66); Laws of 1931, chs. 199, 291, 292, 344, 385, 508, 510.

North Carolina: Laws of 1929, ch. 120; 1931, chs. 164, 274, 279, 312, 319.

North Dakota: Supplement to the 1913 Comp. Laws 1913–1925, ch. 5, Art. 11a, secs. 396a1 to 396a33; Laws of 1927, chs. 285, 286; 1929, ch. 260; 1931, chs. 312–315.

Ohio: Page's Gen. Code 1931, secs. 871–1 to 871–12; sec. 1465–37 to sec. 1465–110; Laws of 1931, pp. 26, 147, 789.

Oklahoma: Stat. 1931, secs. 13348–13404.

Oregon: Code 1930, secs. 49–1801 to 49–1845; Laws of 1931, ch. 340.

Pennsylvania: Laws of 1915, Act. 338 (P. L. 736); 1919, Act 277 (P. L. 642), Act 310 (P. L. 764), Act 441 (P. L. 1077); 1921, Act 67 (P. L. 114), Act 320 (P. L. 910), Act 342 (P. L. 966); 1923, Act 29 (P. L. 48), Act 432 (P. L. 1060), Act 274 (P. L. 498); 1927, Act 156 (P. L. 186); 1929, Act 173 (P. L. 175), Act 361 (P. L. 829), Act 372 (P. L. 853); 1931, Act 29 (P. L. 36), Act 205 (P. L. 598).

Rhode Island: Gen. Laws 1923, ch. 92, secs. 1205–1294, amended by Laws of 1926, ch. 764; 1927, ch. 1058; 1928, ch. 1207; 1929, ch. 1397.

South Carolina: No workmen's compensation law.

South Dakota: Comp. Laws 1929, secs. 9436–9491D; Laws of 1931, chs. 269, 271.

Tennessee: Code 1932, secs. 6851–6901.

Texas: Rev. Civ. Stat. 1925, Title 130, arts. 8306–8309; Laws of 1927, chs. 28, 60, 223, 241, 259; 1931, chs. 89, 90, 102, 119, 154, 155, 170, 178, 179, 182, 208, 224, 248.

Utah: Comp. Laws 1917, secs 3061–3165; Laws of 1919, ch. 63; 1921, ch. 67; 1923, chs. 44, 64; 1925, chs. 73, 80.

Vermont: Gen. Laws 1917, ch. 241, secs. 5752–5831; Laws of 1919, Nos. 158, 159; 1921, Nos. 166–169; 1923, Nos. 8, 105, 106; 1925, Nos. 100, 101; 1927, Nos. 98–100; 1929, Nos. 107, 108; 1931, No. 114.

Virginia: Laws of 1918, ch. 400; 1920, ch. 176; 1922, chs. 425, 427; 1923 (Extra session), ch. 22; 1924, ch. 318; 1926, chs. 7, 534; 1928, chs. 19, 227, 445; 1930, chs. 54, 158, 159.

Washington: Remington's Comp. Stat. 1922, secs. 7673–7726; Laws of 1923, chs. 128, 136; 1925 (Extra session), chs. 84, 111; 1927, chs. 306, 310; 1929, ch. 132; 1931, chs. 79, 90, 104.

West Virginia: Official Code 1931, ch. 23.

Wisconsin: Stat. 1929, secs. 102.01 to 102.35; Laws of 1931, chs. 14, 42, 66, 87, 101, 132, 210, 244, 403, 413, 414, 433, 469. (Stat. 1931, secs. 102.01 to 102.64.)

Wyoming: Rev. Stat. 1931, secs. 124–101 to 124–142.

FORMS USED IN ADMINISTRATION OF WISCONSIN WORKMEN'S COMPENSATION LAW

FORM A

SPECIAL REPORT ON AGE OF INJURED MINOR

Employer's name_____ Address_____
Name of injured_____ Date of injury_____

When a minor is injured it is necessary for the Industrial Commission to receive exact information regarding his age, permit issued if any, etc. Kindly answer the following questions and return to the Industrial Commission, Madison, Wis.

1. Did you have on file prior to and at the time of the injury a labor permit authorizing you to employ this minor?_____
2. Date of birth_____ 3. Date of issue of permit_____
4. Date of expiration of permit_____ 5. Name of issuing officer_____

If a permit was not on file the following questions should be answered:

6. Date of birth of minor_____ 7. Place of birth_____
8. Name of father_____ 9. Name of mother_____
10. What proof have you that date of birth as given is correct, other than statement of child or parent?_____

_____

_____
Signature of person making report.

_____
Official capacity.

NOTE.—The Child Labor Law places upon the employer the responsibility of ascertaining, at his peril, the age of minors taken into his employ. He must make sure that the minors he employs are of lawful age. Incorrect or false statements made by the minor or his parents, whether orally or in writing, do not protect or excuse the employer.

The proper course for an employer to pursue is to require documentary proof of age before hiring any minor who claims to be beyond permit age, and to require labor permits of all other minors. The following sources of evidence are suggested as means which the employer may use to satisfy himself as to the age of a minor before hiring him:

1. A birth certificate or attested transcript thereof issued by the registrar of vital statistics or other officer charged with the duty of recording births. In the counties of this
2. A record of baptism or a certificate or attested transcript thereof showing date of state this function is usually performed by the register of deeds.
birth and place of baptism of the child.
3. A copy of the document submitted as evidence should be taken by the employer upon giving employment to a minor or a memorandum showing the character of proof offered and the date of birth as it appears on the document submitted, should be placed on file.

FORM B

The Industrial Commission has in its files a report of the injury which you received on _____, while in the employ of _____ _____.

Will you kindly send us a copy of your birth record or baptismal record as proof of your age to help us to make sure that the compensation for your injury, under the compensation law, is settled on the correct basis? If you were born in Wisconsin, it is possible that you may secure a copy of your birth [record] from the register of deeds of the county in which you were born or from the State Board of Health, Madison, Wisconsin.

In any case, please send us a statement, signed by your father and mother, stating the date and place of your birth.

Please let us hear from you as soon as possible.

Very truly yours,

INDUSTRIAL COMMISSION

Assistant to the Commission.

F–H